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HISTORY OF ENGLAND

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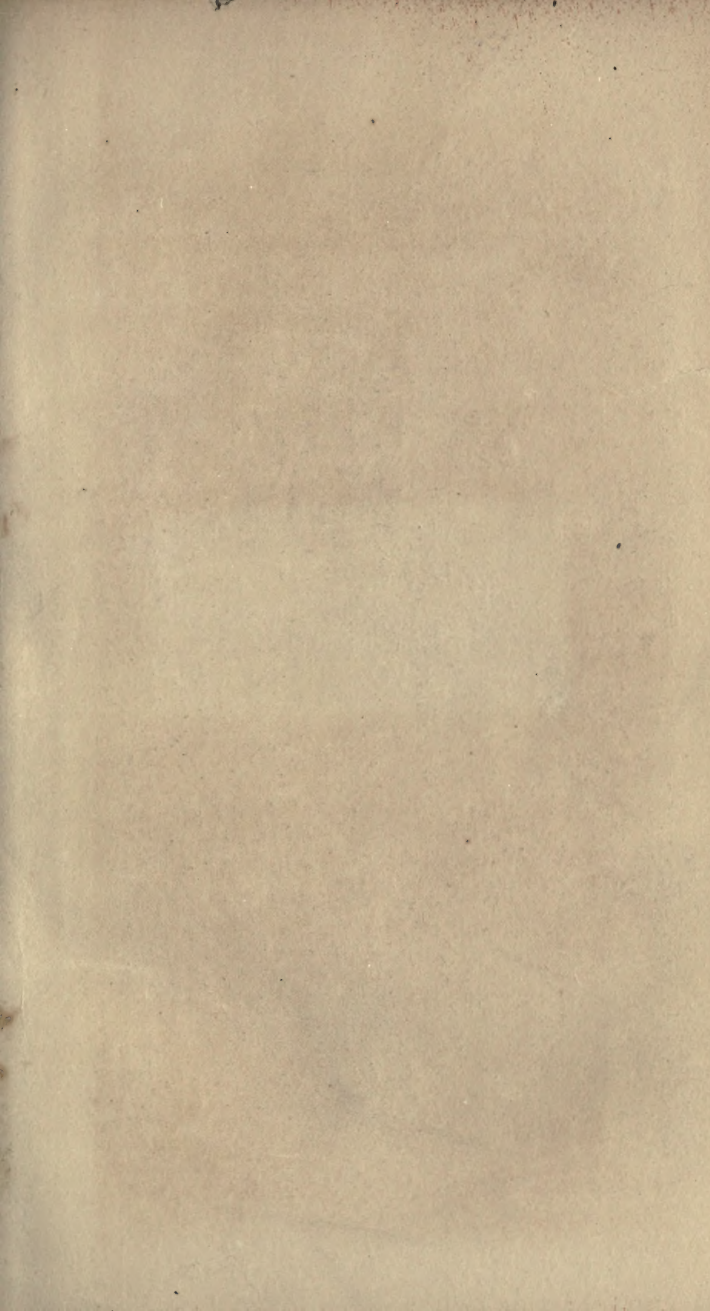
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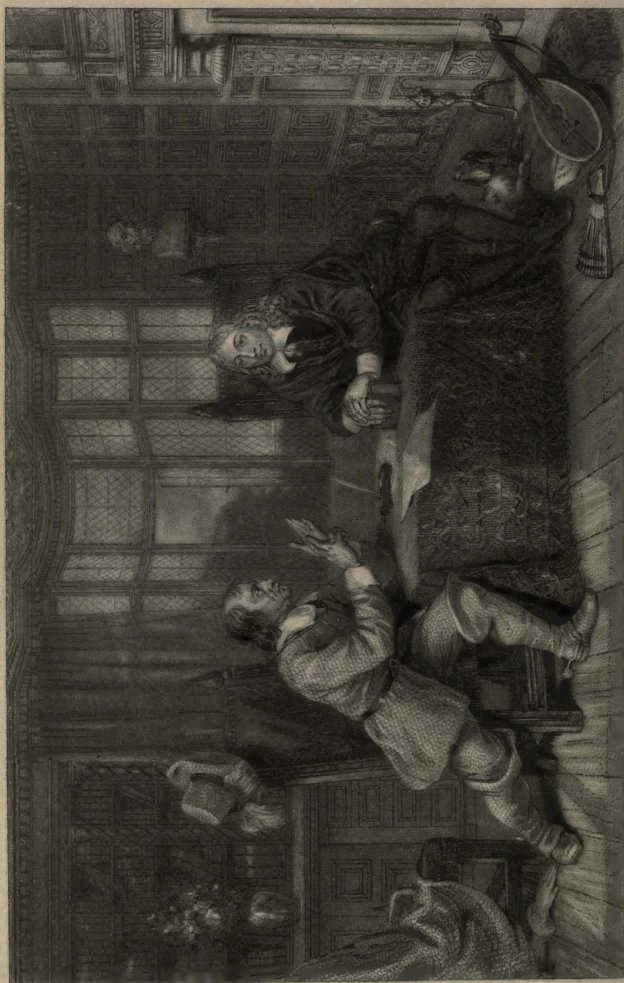
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OUTLINES OF THE

HISTORY OF ENGLAND

MORE ESPECIALLY WITH REFERENCE TO THE
ORIGIN AND PROGRESS OF THE ENGLISH CONSTITUTION

A Text-Book for Schools and Colleges

By WILLIAM DOUGLAS HAMILTON, F.S.A.

OF H.M. PUBLIC RECORD OFFICE AND THE UNIVERSITY OF LONDON

FOURTH EDITION, REVISED AND BROUGHT DOWN TO THE PRESENT
TIME



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LONDON

LOCKWOOD & CO., 7, STATIONERS' HALL COURT
LUDGATE HILL

1873



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PREFACE.

MORE books, it is probable, have been written on History than on any other branch of human learning; nor is this to be wondered at, considering that it treats of subjects the most interesting. And of all the various branches of this world-wide study, the origin and progress of the English constitution is that which naturally attracts the first consideration of an Englishman as being both the most important to him and the most congenial to his studies and habits. In its broadest sense, history is for nations what experience is to the individual,—it instructs us not only in the motives and actions of mankind, but what is of still greater importance, in the principles and laws which rule the destiny of man, and by a knowledge of which he is in a manner rendered responsible for his own happiness or misery. This latter province of History, although undoubtedly the most important, is too frequently overlooked by historians, more especially in rudimentary works, which are generally confined to a descriptive narrative of events. Such was, in fact, the character of written History before the works of DE LOLME, HALLAM, GUIZOT, BROUGHAM, MACAULAY, and others, whose names now grace the literature of Europe, added a new significance to the term, and raised History to the rank of a Science, by extending to it the same scrutinising and rigorous analysis which had hitherto belonged exclusively to the pure sciences.

Fully to carry out this system of investigation in an elementary work like the present, would be impossible; yet there is space sufficient to give a perspicuous outline of the main views

and conclusions arrived at by these philosophic historians. The difficulty of satisfactorily accomplishing such an undertaking has been but too sensibly felt by the author of this little volume, who feels that even after the care he has bestowed on it, much must still remain imperfect.

In this new and revised edition that portion of the History which comprises the all-important era of the Stuarts has been greatly amplified, and the reign of Victoria continued to the present year. It has also been thought advisable to render the Tables of Contents at the head of the several chapters from that era, Chronological, as these may prove a useful reminder to the college student preparing for examination and to the higher forms in schools, for whose service this *résumé* of the larger works above alluded to is mainly designed.

A copious list of Historical Questions, chiefly selected from the Examination Papers of the Universities of Cambridge and London, has been appended to this edition. These Questions have been selected not so much to illustrate the present work as to enable the student to judge of the nature and extent of the historical knowledge requisite for passing a successful examination, and will be found invaluable as an exercise.

Special care has been taken in the compilation of the Tables, and the dates of the Saxon kings have in many instances been corrected from the original charters dated with the *anno Domini* indiction, and regnal years.

In conclusion, the author begs to return his grateful thanks to the friends who have favoured him with their suggestions and assistance.

W. D. H.

CONTEMPORARY SOVEREIGNS

OF

ENGLAND, SCOTLAND, FRANCE, AND GERMANY.

A D.	ENGLAND.	SCOTLAND.	FRANCE.	GERMANY.
800	Egbert of Wessex	Achaius	Charlemagne	Charlemagne
814		Congale III.	Louis I. . . .	Louis I.
819		Dougal		
824	<i>Unites the States.</i>			
827		Alpin		
831		Kenneth II		
834	Ethelwulf			
838		Donald V.	Charles le Chauve	Louis II.
843		Constantine II.		
848	Ethelbald			
854		Ethelberht		
857	Ethelred I.			
858		Ethelred I.		
860	Alfred the Great			
866		Ethus		Carloman.
871		Gregory		Louis III.
874				Charles le Gros.
876				
877			Louis II.	
879			Louis III.	
			Carloman	
884			Charles le Gros	
887				Arnold.
888			Hugh	
892		Donald VI.		
898			Charles le Simple	
899				Louis IV
900	Edward the Elder.			
901		Constantine III.		
911				Conrad I.
919				Henry I.
922			Robert	
923			Ralph	
925	Athelstan			
936			Louis IV.	Otho the Great.
938		Malcolm I.		
940	Edmund I.			
946	Edred			
954			Lothaire	
955	Edwy			
958	Edgar	Indulphus		
968		Duffus		
972		Cullenus		
973		Kenneth III.		Otho II.

A. D.	ENGLAND.	SCOTLAND.	FRANCE.	GERMANY.
975	Edward the Martyr			
979	Ethelred II.			
983	.	.	.	Otho II.
986	.	.	Louis V.	
987	.	.	Hugh Capet	
994	.	Constantine IV		
997	.	Grimus	Robert	
1002	.	.	.	Henry II.
1004	.	Malcolm II.	.	
1016	Edmund Ironside			
1017	Canute			
1024	.	.	.	Conrad II.
1031	.	.	Henry I.	
1034	.	Duncan I.	.	
1036	Harold I.			
1039	.	.	.	Henry III.
1040	Hardicanute	Macbeth	.	
1042	Edward the Conf.			
1056	.	.	.	Henry IV
1057	.	Malcolm III.	.	
1060	.	.	Philip I.	
1066	Harold II.			
—	William I.			
1087	William II			
1093	.	Donald VII.		
1094	.	Duncan II.		
1098	.	Edgar		
1100	Henry I.			
1106	.	.	.	Henry V.
1107	.	Alexander I.	.	
1108	.	.	Louis VI.	
1124	.	David I.	.	
1125	.	.	.	Lothaire II.
1135	Stephen	.	.	
1137	.	.	Louis VII.	
1138	.	.	.	Conrad III.
1152	.	.	.	Frederic I.
1153	.	Malcolm IV.	.	
1154	Henry II.			
1165	.	William I.	.	
1180	.	.	Philip II.	
1189	Richard I.	.	.	
1190	.	.	.	Henry VI.
1198	.	.	.	Phillip. Otho IV.
1199	John	.	.	
1212	.	.	.	Frederic II.
1214	.	Alexander II.	.	
1216	Henry III.	.	.	
1223	.	.	Louis VIII.	
1226	.	.	St. Louis IX.	
1245	.	Alexander III.	.	
1250	.	.	.	Conrad IV.
1254	.	.	.	William of Holland
1257	.	.	.	Richard, Earl of Cornwall.
1270	.	.	Philip III.	
1272	Edward I.	.	.	
1273	.	.	.	Rodolph of Haps- burg.
1285	.	.	Philip IV.	
1286	.	Margaret, d. 1290	.	
1292	.	John Baliol	.	Adolphus of Nas- sau.
1296	.	Interregnum	.	
1298	.	.	.	Albert of Austria.
1306	.	Robert I.	.	
1307	Edward II.	.	.	
1308	.	.	.	Henry VII.

A.D.	ENGLAND.	SCOTLAND.	FRANCE.	GERMANY.
1314	.	.	Louis X., <i>king of Navarre</i>	Louis IV.
1316	.	.	John I. Philip V. Charles IV.	
1322	.	.		
1327	Edward III.	.	Philip VI.	
1328	.	.		
1329	.	David II.		
1346	.	.	.	Charles IV.
1350	.	.	John II. Charles V.	
1364	.	.		
1371	.	Robert II. Stuart		
1377	Richard II.	.		
1378	.	.		Wenceslaus.
1380	.	.	Charles VI.	
1390	.	Robert III.		
1399	Henry IV.	.		
1400	.	.		Robert.
1406	.	James I.		
1411	.	.		Sigismund.
1413	Henry V.	.		
1422	Henry VI.	.	Charles VII.	
1437	.	James II.		Albert II.
1440	.	.		Frederic III.
1460	.	James III.		
1461	Edward IV.	.	Louis XI.	
1483	Edward V. Richard III. Henry VII.	.	Charles VIII.	
1485				
1488	.	James IV.		
1493	.	.		Maximilian I.
1498	.	.	Louis XII.	
1509	Henry VIII.	.		
1513	.	James V.		
1515	.	.	Francis I.	
1519	.	.	.	Charles V.
1542	.	Mary		
1547	Edward VI.	.	Henry II.	
1553	Mary	.		
1558	Elizabeth	.		Ferdinand I.
1559	.	.	Francis II.	
1560	.	.	Charles IX.	
1564	.	.	.	Maximilian II.
1567	.	James VI.		
1574	.	.	Henry III.	
1576	.	.		Rodolph II.
1589	.	.	Henry IV.	
1603	Great Britain James I.	Ascended the throne of England, 1603, March 24.		
1610	.	.	Louis XIII.	
1612	.	.	.	Matthias.
1619	.	.	.	Ferdinand II.
1625	Charles I.	.		
1637	.	.		Ferdinand III.
1643	.	.	Louis XIV.	
1649	<i>Commonwealth</i>	.		
1658	.	.	.	Leopold I.
1660	Charles II.	.		
1685	James II.	.		
1689	Mary and William	.		
1694	William III.	.		
1702	Anne	.		
1705	.	.	.	Joseph I.
1711	.	.	.	Charles VI.
1714	George I.	.		
1715	.	.	Louis XV.	
1727	George II.	.		
1742	.	.	.	Charles VII.

A.D.	ENGLAND.	SCOTLAND.	FRANCE.	GERMANY.
1745				Francis I. and Maria Theresa.
1760	George III.			
1765				Joseph II.
1774			Louis XVI.	
1790				Leopold II.
1792			Republic.	Francis II.
1804			Napoleon I.	
AUSTRIA.*				
1806				Francis I.
1811	Regency			
1814			Louis XVIII.	
1820	George IV.			
1824			Charles X.	
1830	William IV.		Louis Philippe.	
1835				Ferdinand I.
1837	Victoria			
1848			Republic.	Francis Joseph I.
1852			Napoleon III.	
GERMANY.†				
1870			Republic	
1871				William of Prussia.

* In 1806, Francis II. resigned his title of Emperor of Germany, and became Francis I. of Austria.

† In 1871, the King of Prussia became the head of the German Empire, and was proclaimed at Versailles.

TABLE I.

SAXON AND DANISH KINGS OF ENGLAND.

Egbert of Wessex unites the Saxon States. 827.

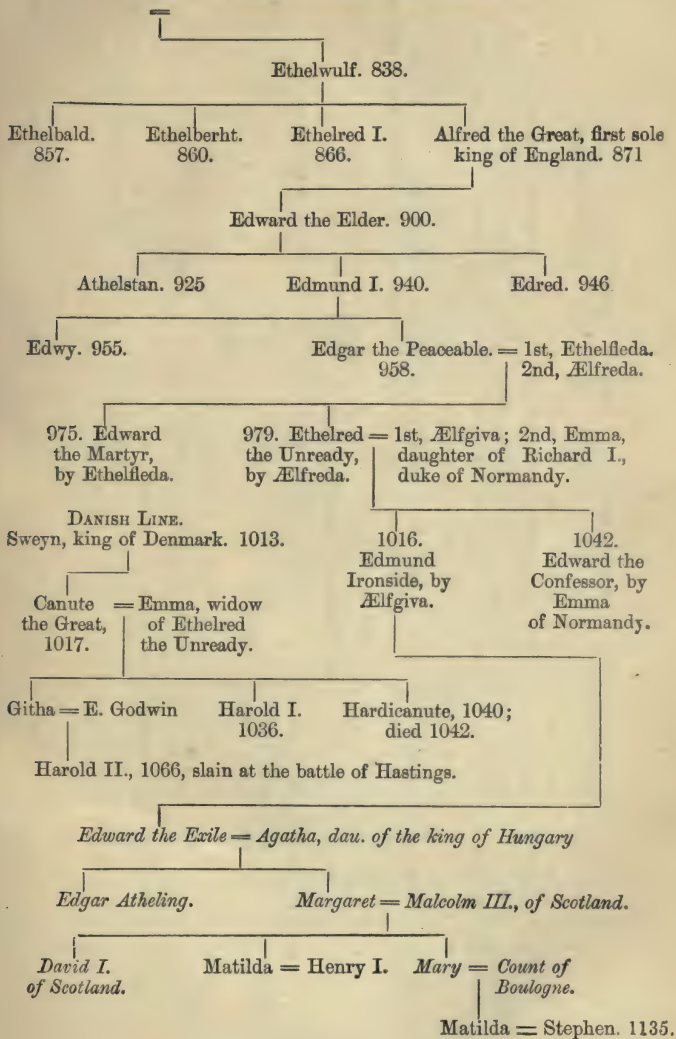


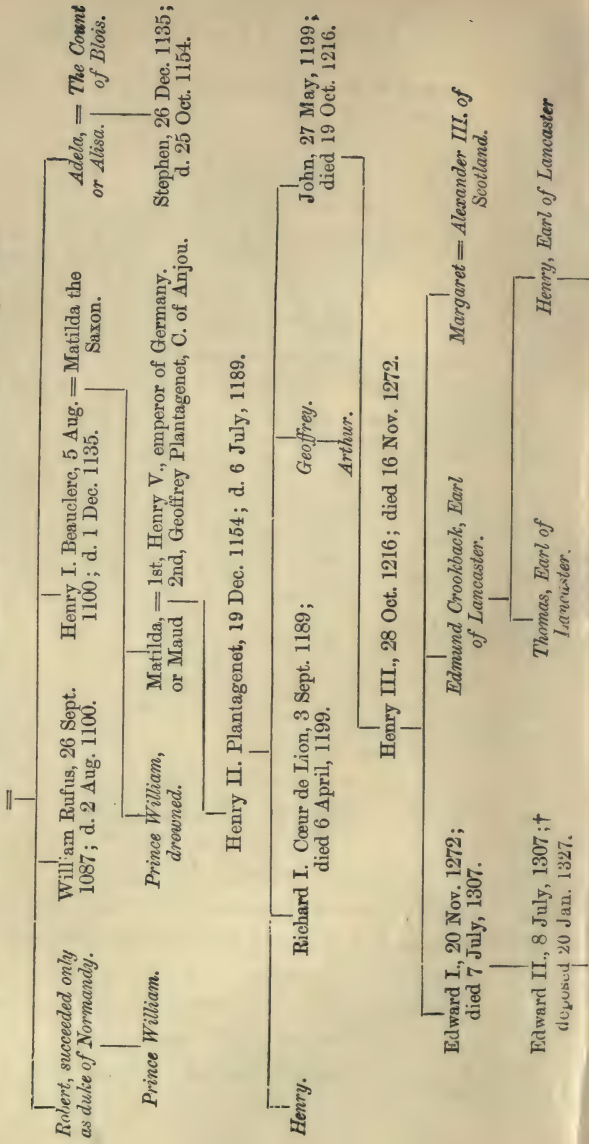
TABLE II.

THE GENEALOGY OF THE NORMAN AND PLANTAGENET KINGS.*

NORMAN LINE.

William I., the Conqueror, crowned 25th Dec. 1066.

Duke of Normandy, 1035. Defeats Harold 14th Oct. 1066; d. 9 Sept. 1087.



Edward III., 25 Jan. 1327;
died 21 June, 1377

Edward
the Black Prince.

Lionel,
Duke of Clarence

Richard II., crowned
22 June, 1377;
deposed 1399, by Henry IV.

Philippa = Mortimer,
Earl of
March.

Roger Mortimer, Earl of March.

Anne Mortimer = Richard, Earl
of Cambridge.

Richard, Duke of York.
Slain at Wakefield, 1460.

YORK.

Edward IV., [White Rose,]
proclaimed 4 March, 1461;
died 9 April, 1483.

Richard III.,
26 June, 1483;
died 22 Aug. 1485.

Edward V., 9 April, 1483,
but never crowned.

Richard, Duke of York,
murdered 1483.

John of Gaunt,
Duke of Lancaster.

LANCASTER.

Edmund,
Duke of York.

Richard, = Anne Mortimer.
Earl of
Cambridge.

(by *Blanche, of Lancaster*)
Henry IV., Bolingbroke,
crowned 30 Sept. 1399;
died 20 March, 1413.

(by *Catherine Swynford*)
John Beaufort, Earl of Somerset.
(See Table III.)

Henry V., 21 March, 1413; died 31 Aug. 1422.

Henry VI., [Red Rose,] 1 Sept. 1422; deposed
by Edw. IV., 1461; murdered in the Tower,
21 May, 1472.

Prince Edward, slain at Tewkesbury, 1471.

Elizabeth = Henry VII., and united the Houses
of York and Lancaster.

Henry, Duke of Lancaster.

Blanche = John of Gaunt,
third son of
Edward III.

* The dates in these Tables correspond with the day on which the king's reign was computed to commence. In former times the new king did not succeed immediately on the death of his predecessor, but waited for a general acknowledgment of his title. After the accession of the House of Brunswick, there is no difficulty as to the date; the principle having become settled that the heir to the throne succeeded instantly on the death of his predecessor.
† Edward II. married Isabel, the last surviving child of Philip IV., who therefore claimed the succession before her brother's children, and thus originated the claim of the English kings to the throne of France.

TABLE III.

GENEALOGICAL TABLE OF THE KINGS OF ENGLAND OF THE HOUSES OF TUDOR, STUART,
AND HANOVER.

Edward III., 1327.

Edward the Black Prince.
(See Table II.)

Lionel.
(See Table II.)

John of Gaunt.
(See Table II.)

Edmund,
Duke of York.

Henry IV., 1399.

Henry V., 1413.

Henry VI., 1422.

John Beaufort, Earl of Somerset.

John, Duke of Somerset.

*Margaret (Beaufort), sole daughter=Edmund Tudor, of Hadham,
son of Owen Tudor, by
Catherine, widow of Henry V.*

HOUSE OF TUDOR.

Henry VII. (Red Rose), 22 Aug. 1485;=Elizabeth (White Rose), daughter of Edward IV., and thus united
the Houses of York and Lancaster.

Prince Arthur
died, 1502.

Henry VIII.,
22 April, 1509;
died 23 Jan.
1547.

Margaret=James IV.
of Scotland

Mary.

*Her second husband was
Charles Brandon,
Duke of Suffolk.*

James V. of Scotland

*Frances=Henry Grey, Marquis
of Dorset.*

Elizabeth,
17 Nov. 1558;
died 24 Mar. 1603.

Mary,
6 July, 1553;
died 17 Nov. 1558.

*Mary, Queen= 2ndly,
of Scots. | Henry Darnley.*

*Lady Jane Grey, 1553, aspires to
the crown, and is beheaded.*

Edward VI.
28 Jan. 1547;
died 6 July, 1553.

*James VI.
of Scotland.*

HOUSE OF LENNOX-STUART.

James VI. of Scotland ascends the English throne as James I., and unites the two kingdoms,
24 March, 1603; died 27 March, 1625.

Prince Henry,
died 1612.

Charles I., 27 March, 1625;
dethroned and beheaded, 30 Jan. 1649.

Charles II.,
succeeded as king *de jure*,
30 Jan. 1649; proclaimed *de facto*,
28 May, 1660; died 6 Feb. 1685.

James II.,
6 Feb. 1685; flies the kingdom
on the landing of the Prince of Orange;
deposed 11 Dec. 1688.

Mary = William III., Prince of Orange,
landed in England 5 Nov. 1688;
died 8 March, 1702.

Queen Anne = Prince George of Denmark,
8 March, 1702;
died 1 August, 1714.

James,
First Pretender.

Charles Edward,
Young Pretender.

Henry.

George IV., = Caroline of
29 Jan. 1820 Brunswick.

Princess Charlotte,
died 1817.

Victoria, 20 June, 1837; b. 24 May, 1819 = Albert of Saxe-Coburg;
m. 10 Feb. 1840.

William IV., = Adelaide of Saxe-
26 June, 1830. Meiningen.

Edward, Duke = Victoria of Saxe-
of Kent. Coburg.

Victoria,
b. 21 Nov. 1840.

Albert Edward,
Prince of Wales;
b. 25 Apr. 1843.
b. 9 Nov. 1841.

Alice;
b. 25 Apr. 1843.

Alfred;
b. 6 Aug. 1844.

Helena;
b. 25 May, 1846.

Louise;
b. 18 March, 1848.

Arthur;
b. 1 May, 1850.

Leopold;
b. Apr. 7, 1853.

Beatrice;
b. Apr. 14, 1857.

Elizabeth = The Elector Palatine

Sophia = Ernest Augustus,
Elector
of Hanover.

HOUSE OF HANOVER.

George I., = Sophia, of Zell.
1 Aug. 1714.

George II., = Caroline of
11 June, 1727. Anspach.

Frederick, = Augusta of
Pr. of Wales. Saxe-Gotha.

George III., = Charlotte of
21 Oct., 1760. Mecklenburg.



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CONSTITUTIONAL HISTORY OF ENGLAND.

CHAPTER I.

THE ROMAN PERIOD. B.C. 55 TO A.D. 450.

Early History of the island—Character of its population—Roman conquests—Low state of the arts—Religion and government of the Britons—The Druids—Diversity of manners—Julius Cæsar—Resistance offered by the natives—Pacific policy of Augustus—Second invasion—The Emperor Claudius—Plautius—The Romans take possession of the island—Caractacus—Persecution of the Druids—Massacre of the Romans—Smallness of the population—Energetic government of Agricola—The arts of civilisation introduced—Battle of the Grampians—Lollius Urbicus—Severus—Britain separated from the Empire under Carausius—Decline of the Roman power—Independence of Britain—Return to the ancient mode of government—The island devastated by the Picts and Scots—First appearance of the Saxons—Influence of the Roman civilisation—Change in the physical aspect of the country—Introduction of Christianity—Persecution of Diocletian.

THE early history of Britain, like that of most other countries, extends beyond the period of authentic record; and there is much uncertainty, both as to the time when and race by whom these islands were originally inhabited.

The first people of whom we have any information are the Laps or Finlanders, who appear to have possessed the whole of Western Europe until, pressed upon by successive hordes of Celts, they were finally driven to the northern and western extremities of the continent, where their descendants still retain possession of the mountainous districts on the Bay of Biscay and the north of Sweden. At a later period, the Celtic nations retired north and west before the Teutons, who in their turn retreated before the Slavonic migrations. All these peoples, though differing so widely in race and manners, belonged to the great Indo-European family of nations, and severally contributed to the population of these Islands.

Previous, however, to the Roman occupation of Britain, nothing is known for certain, the slender information we possess of the

manners and customs of the ancient inhabitants being solely derived from the Roman writers. The remains of primitive British art which have come down to us are so meagre, that it has become even a matter of speculation what race predominated at the time of the Roman invasion.

From the life of Agricola, written by Tacitus, it would appear that England was at this time inhabited by two distinct races, the one Celtic and the other Scandinavian or Teutonic; although from the prevalence of Gaelic roots in the names of rivers and natural boundaries, it is inferred that at some earlier period a Celtic race must have possessed the whole of the British Isles.

According to this view, the greater part of Scotland and perhaps some districts of England were inhabited by races of Gothic origin, who had come over from Scandinavia. Indeed it is the opinion of the ablest philologists and antiquaries, that long previous to the time assigned to the great Saxon immigration a strong Teutonic element existed in England. The Coritani in the midland counties of Leicester and Derby, and the Belgæ in the south, were probably of German origin, although Tacitus fails to mention the identity of language with that spoken on the banks of the Rhine: there can, however, be no doubt that all the southern parts of England and the whole of Ireland were inhabited by a race of Celtic origin, who in their government, religion, and language resembled the Gauls of the continent, but who are supposed to have migrated from the shores of the Baltic and the opposite coast of Germany before those countries were occupied by the Teutons.

When Julius Cæsar landed in Britain he found the people in a very rude state of society,—they had no general system of government or laws, and were broken up into a number of independent tribes, which were frequently engaged in hostilities with each other. These tribes individually offered a brave resistance to the Romans, but they possessed neither union nor energy to carry on a protracted struggle; and when the southern parts of the island submitted to the imperial arms, it is more than probable that the tribes north of the Humber were ignorant of the Roman name: in fact, we can form no better idea of the condition of the inhabitants than that which is furnished by the natives of New Zealand at the present day, who appear strongly to resemble the Britons both in their physical agility and their aptness in acquiring the arts of civilisation.

The Romans attached much importance to their victories in Britain, and the Emperor Claudius even celebrated a triumph at Rome for his successes; but their combats with the natives must have been very inconsiderable and unequal, for all uncivilised

countries are thinly inhabited, and the whole population of England and Scotland at this time could not have exceeded half a million. The Britons could therefore have brought no adequate force against the disciplined troops of the Romans, and the only wonder is that they maintained so long the unequal struggle.

The art of war was assiduously cultivated by the Britons; they fought in light chariots, which they managed with admirable dexterity; their arrows and spears were pointed with sharp pieces of flint or bone; for although not entirely unacquainted with the use of metals before the coming of the Romans, these substances were exceedingly rare. The Phœnician merchants who traded to England probably taught the natives the use of those metals which most abounded in the island, and torques and armlets of gold and silver, supposed to have been worn by the Druids, have been dug up in various parts of the island. These ornaments were reckoned of great value, as the natives were unskilled in the working of metals, and only employed those found in a pure state. Iron was almost as scarce as the precious metals, which were found in considerable quantities in the sands of the rivers.

The constant intercourse kept up between this island and the opposite shores of the continent introduced at a very early period Macedonian coins, the types of which are preserved in the rude imitations of the Britons: the peculiarly thick and dish-shaped appearance of the early coins shows them to have been derived from a Grecian or Eastern origin, and renders them easily distinguishable from those of the Roman period, which are thin and flat, after the example of the Roman coins, and generally bear devices or letters alluding to the early history of Rome. The passage of Cæsar's Commentaries which has led modern historians to assert that the use of money was unknown to the Britons,—rings of iron and silver being used by them for the purposes of barter,—is evidently a corruption of the editors of the 17th century: the early MSS. of Cæsar read the passage thus: "They use either brass or gold coins, or instead of money, iron rings adjusted to a fixed weight;"* and there is no reason for rejecting this statement of the Roman general, especially when confirmed by existing memorials: the scholiasts, however, appear to have thought that it would not have been worthy of observation, had money been in general circulation.

Gold, which is now rarely found in these islands, was once an article of export; and the sands of the Tagus, when the Romans first became acquainted with the Western Peninsula, were almost

* Utuntur aut ære aut nummo aureo aut annulis ferreis ad certum pondus examinatis pro nummo.—*Hawkins's English Coins*, 8.

as rich in auriferous deposit as those of the Sacramento; indeed, Strabo's description of gold-washing in Spain might have been written in the year 1851. Geologists account for the abundance of gold in all newly-discovered countries, by the fact, that the superior density of the auriferous particles causes them to subside, while the detritus of the primary rocks is washed away by the current of waters during successive ages.

The Belgæ, who came over from Gaul and settled on the southern coast, brought with them some knowledge of agriculture, and taught the inland inhabitants to cultivate their lands: little progress, however, was made before the occupation of the island by the Romans; and the sea-coasts only were cultivated, the wooded districts of the interior being wandered over by hunters or pastured by cattle.

DRUIDS.—The community was divided into three classes—the priests or Druids, the nobility, and the common people: of these the Druids possessed the chief power; they were not only the priests, but the judges civil and criminal, and exercised an unlimited power over the minds of the people. Their religious ceremonies were performed in the deep recesses of the forest, or within circular spaces surrounded by enormous blocks of stone: several specimens of these remarkable structures still exist in various parts of the island, the circles at Stonehenge and at Stenness, in the Orkney Isles, being thought to be the largest and most perfect.

The Druids are said to have taught the existence of a supreme being, and to have believed in the transmigration of souls; the serpent and the heavenly bodies also formed objects of their adoration. Within these Druidical circles the priests annually assembled to celebrate their mystic orgies and immolate human victims on the altars. On certain occasions, Cæsar informs us that the priests fell indiscriminately on the devotees, and filled large wicker images with men, women, and children, which being set on fire, the miserable victims perished in the flames. So deeply rooted were these heathen superstitions in the minds of the people, that their traces exist in the ceremonies of All Hallowmas, and the bonfires of Mayday and Midsummer eve, still remembered in Scotland and the north of England.

The rites of many tribes of central Asia and Africa bear a strong resemblance to the Druid worship,* and some have supposed that it was identical with that of the Syrian Moloch; but the whole subject is involved in obscurity, and only admits of one

* Count Stolberg has instituted a singular comparison between the Indian Brahmins and the Druids of Ancient Britain.

observation, that the religion of the Celtic nations had no affinity either with the Scandinavian or Grecian mythologies. The Druids had the art of suspending vast masses of rock on a single point, and with such geometrical exactitude that a child could move them to and fro. These rocking stones, which are occasionally seen vibrating in the wind, were used by the Druids for judicial purposes, and served to increase their influence over the people; as by means of these stones the innocence or guilt of the accused was determined, and lay entirely in the hands of the Druids. Such at least is the general history: we should, however, receive these assertions with extreme caution. The Druidical circles and the rocking-stones may not even have belonged to a Celtic race; similar stones are found in all parts of the world, and were doubtless the first altars raised by the human race. The ancients designated them *Ambrosiæ Petræ*, or anointed stones, but their origin was then lost in the mist of ages. Strabo, possibly referring to these, describes a circular temple of the sun as existing in an island north of Celtica; while certain medals bearing the representation of these stones have led to the conjecture that Stonehenge was raised by a Tyrian colony. Some have maintained also, with great show of plausibility, that the rocking-stones are boulders drifted to their present site by some geologic inundation. However this may be, they certainly were held as sacred, and we probably possess the true history of these monuments in the stone pillars raised by the patriarchs as tokens of thanksgiving and veneration.

The Roman writers affirm that the Britons possessed neither virtue nor moral restraint, and were addicted to the most unnatural vices; and if the religion of a people can be taken as an index to their mental endowments, the Britons were certainly by far an inferior race to any of the northern tribes who overran the Roman empire, the same diabolical rites being practised amongst them as are to be met with at the present day only amongst the most degraded tribes of Asia and Africa. Their government was of the simplest form; the Vergobret, or chief of the tribe, exercised unlimited power, and the people possessed neither liberties nor laws, but were governed by the fierce maxims of savage life; the natives painted or stained their bodies with woad, which they thought added to their personal appearance, and rendered their aspect more fierce in battle; their towns consisted of a number of round huts or cottages woven with boughs and surrounded by woods and marshes, for convenience of hunting and security from attack, like the wigwams of the American Indians.

JULIUS CÆSAR.—In the year 55 B.C. Caius Julius Cæsar, who commanded the Roman army in Gaul, having reduced

that country to subjection, and thinking that the invasion of an island which was regarded as beyond the limits of the world might add to his popularity at Rome, crossed over into Britain, whose warlike inhabitants, he alleged, had offered provocation to the Romans by aiding their enemies on the continent. Having collected a fleet of 80 transports and an army of 12,000 men, Cæsar left the shores of France, and in ten hours landed on the opposite coast of Kent, where he met with a vigorous resistance. The Roman legions speedily routed the undisciplined troops of the barbarians, and Cæsar was gaining a knowledge of the country, when on the fourth night a violent storm shattered or dispersed the greater part of the fleet, and threatened to cut off their return to Gaul. The Britons, emboldened by this disaster, again resumed the offensive, and made an attempt on the Roman camp, but were repulsed and driven back into the woods. Cæsar, seeing the season far advanced, re-embarked his troops, and returned to the continent after an absence of only seventeen days.

54 B.C.] In the following summer he returned, with a force of five legions, 2,000 cavalry, and a fleet of 800 ships. The Britains, alarmed at the presence of so formidable an army, retreated into the interior, and elected to the chief command Cassivelaunus, prince of the Trinobantes, a powerful and warlike chief, whose territories lay along the left bank of the Thames, and included the present counties of Essex and Middlesex. In this position Cassivelaunus displayed both courage and discretion; he avoided a general engagement, and led his forces through the woods and marshes, watching the operations of the Romans till they came to Wallingford, where he disputed with Cæsar the passage of the river. Resistance, however, was vain; Cæsar forced the passage of the Thames, and advancing into the country, burnt Verulam, the capital of Cassivelaunus, and exacted from the Britons the promise of a yearly tribute. After these achievements Cæsar withdrew his forces to the continent; the only result of these expeditions being a series of barren victories which struck terror into the inhabitants. The civil wars of the Empire now commencing, the island was left unmolested for nearly a century.

A.D. 43.] The pacific policy of Augustus and Tiberius secured the independence of the Britons till Claudius Cæsar, the fourth emperor of Rome, determined on the reduction of the island [A.D. 43.] A favourable opportunity now presented itself; some of the British princes, regardless of the danger of inviting a foreign power to interfere in their internal concerns, solicited the aid of the Roman arms to crush the power of their rivals; the Emperor Claudius readily complied with this invitation, and sent his general, Plautius, with a powerful army, which landed on the

coast of Kent, not far from the place of Cæsar's first debarkation. On this emergency the Britons, adopting the policy which had proved so successful under Cassivelaunus, retired before the invaders, and laid waste their fields and villages, so that the whole country through which the Romans had to pass was reduced to a desert. But the Roman general Plautius, carrying his supplies with him from the continent, boldly advanced into the interior of the country as far as the banks of the Severn. Here the Britons first ventured to come to a general engagement, after which they retreated to the marshes on the Thames, where, favoured by the nature of the ground, they gained a temporary advantage, and compelled the Roman general to retreat. At this critical juncture the Emperor Claudius arrived in person with a reinforcement, and marched as far as Camalodunum, on which site stands the modern town of Maldon in Essex. Having again routed the Britons and united the Roman forces, the emperor returned to enjoy a triumph at Rome, and left Plautius to prosecute the conquest of the island; but it was not till after many a hard contested victory that the Romans became masters of the island, for the Britons being divided into a number of independent states, and possessed of neither towns nor landed property, only submitted when overawed by the presence of the Roman troops. On the departure of Plautius, Paulinus was appointed to the command in Britain, and after five years he was superseded by Publius Ostorius, who endeavoured to pursue a more systematic line of policy. He erected forts to protect the conquered provinces, and endeavoured to disarm the disaffected Britons; but this measure exasperated the free spirit of the natives, and Caractacus, the most powerful of the independent princes, whose territories comprehended the greater part of South Wales, took part in the war. A severe struggle ensued, in which Caractacus was defeated, and finally sent prisoner to Rome, although it was at this time customary with the Romans to put to death the captive princes. Caractacus, when summoned before the emperor, appeared in no way daunted, and remarked that it seemed to him strange "that a people possessing so great wealth should envy him his humble cottage in Britain."

The Romans finding it impossible to reduce the island, so long as the Druids continued to exercise their power over the minds of the people, departed from their usual policy of religious toleration, and determined on the utter extermination of that order. In pursuance of this design, in the reign of Nero, Suetonius Paulinus prepared to reduce Mona, now Anglesea, on the coast of Wales, as the chief seat of the Druids, and the centre of resistance to the Roman power. While engaged in this project, Boadicea, queen

of the Iceni, a people of Norfolk and Suffolk, who had been insulted by some licentious Roman soldiers, raised the standard of revolt; and the infuriated Britons, entering the Roman province, destroyed all before them with fire and sword. Suetonius, alarmed at these reverses, returned by forced marches, but was unable to save the flourishing colony of Londinium, and the municipal town of Verulam (now St. Alban's), in the destruction of which above 70,000 Romans and their allies are said to have perished. The Roman general soon retrieved these losses, and vanquished the Iceni in a regular engagement, in which, if we credit the Roman historians, above 80,000 Britons were left dead on the field; while the unhappy Boadicea, unwilling to survive the fortunes of her country, terminated her life by poison.

The Romans continued the war with varying success, but the island was not completely subdued till the reigns of Tacitus and his successors, when Julius Agricola and the Emperor Severus introduced into Britain the arts and sciences of the Romans. Agricola, distinguished both as a general and a statesman, no sooner received the command than he effected a complete alteration in the Roman government, by establishing a strict discipline amongst his troops, and treating the conquered tribes with justice and moderation; the whole island was therefore at peace, and the natives, who had formerly hated and feared the Roman name, now began to admire and to imitate the superior civilisation and refined manners of their conquerors. "The Britons," says Tacitus, "are a people who pay their taxes and obey the laws with pleasure, provided that no arbitrary and illegal demands be made upon them, but these they cannot bear without the greatest impatience, for they are only reduced to the state of subjects, not of slaves."

When Agricola had been three years governor of Britain, he crossed the Roman frontier and penetrated into North Britain beyond the Friths of Forth and Clyde. The wildness of the country and the inaccessibility of its mountains offered many difficulties to his march. The Scandinavian tribes, who had previously contented themselves with harassing his line of march, now made a stand on the declivity of the Grampian hills, where they drew up their forces in three lines, under the command of the celebrated Galgacus. Tacitus has given an animated account of this battle, in which the natives appear to have fought with that energy and fierceness characteristic of the German nations.

Agricola, learning by the experience of his predecessors the impossibility of drawing supplies from the southern provinces, accompanied his expedition with a fleet, which, sailing along the coast, supplied the army with provisions and stores, without the danger of their being intercepted by the enemy. When the land

forces found it necessary to retrace their steps after the battle of the Grampians, the fleet continued its course northwards, and returning by the Land's End, first ascertained by actual observation that England was an island.

Many opinions exist as to the site of this celebrated battle and the extent of the conquests of Agricola: the numerous remains of military roads and fortified camps, in the most remote parts of the island, only prove the long and fruitless attempts made by the Romans to subdue the northern tribes. Secure amid their highland fastnesses, these hardy warriors defied the power of the Roman arms, till famine and fatigue compelled the legions again to retire to the cultivated provinces.

The government of Agricola may justly be considered the most important period in the Roman occupation of Britain, as the arts of civilisation were then first introduced into the island; and those who would gain a clear insight into the effects of the Roman civilisation should study the biography of this illustrious prince, bequeathed to us by his son-in-law Tacitus, in that masterpiece of pathos and historical acumen, the "*Vita Agricolæ*."

On the recall of Agricola the conquests in the north were speedily lost, and the Emperor Adrian, who endeavoured to retrieve the Roman name, contented himself with erecting a line of forts still known as Adrian's Wall, from the Solway Frith to the German Ocean. In A.D. 138, during the reign of the Emperor Antoninus Pius, Lollius Urbicus, when governor of Britain, advanced the boundary of the empire as far as the Friths of Forth and Clyde, which he connected by means of an intrenchment, surmounted by quadrangular forts.

When far advanced in life, the Emperor Severus commenced in earnest the subjugation of the Caledonian Highlanders; but after many privations was obliged to retreat, having lost 50,000 of his best troops, through the incessant labour of cutting roads and erecting military stations. To render, if possible, the southern provinces more secure from the incursions of the northern tribes, Severus, before returning to the south, reconstructed of stone the rampart formerly raised by Adrian; but the Caledonians soon resumed the offensive, and, while preparing for a second expedition, the emperor died at York, and his son Caracalla hastened to Rome to secure the imperial purple. From this time we hear but little of Britain. In the year 288 it was severed from the empire by Carausius, a bold naval commander, who had been honoured by the emperors with the title of Comes Littoris Saxonici, and entrusted with a powerful fleet in the British Channel, to repress the depredations of the Scandinavian freebooters who already infested the northern seas. Seeing, however, a favourable

opportunity, Carausius threw off his allegiance to Rome, and during his whole life maintained the integrity of the island empire; but, under his successor Alectus, Britain again returned to the Roman rule.

The Roman power was now fast declining, and the removal of the seat of empire to Constantinople, perhaps more than any other circumstance, hastened its final downfall. The distant provinces were neglected or left to their own resources, and the Roman legions set up several competitors in the different provinces. In Britain, Maximus, a soldier of fortune, was chosen by the voice of the troops, and led his forces to the continent against the emperor Theodosius, leaving the insular province entirely unprotected. The Britons, through long habit, and the loss of their national independence, had become accustomed to indolence and ease, and possessed neither arms nor courage to resist the fierce attacks of the northern tribes, who, breaking like a torrent over the Roman frontier, devastated the whole country and plundered the flourishing city of London, at that time called Augusta, in honour of the emperor. Although it was the custom of the Romans to train the youth of the conquered provinces to arms, the countries themselves derived little security from this practice; for as soon as the new levies were accustomed to military discipline, they were drafted off into the Roman legions, and sent to serve in some distant part of the empire, lest, taking advantage of a favourable opportunity, they should assert the national independence, and throw off the yoke of Rome. It was thus that the emperors, amid the universal degeneracy which prevailed so long, warded off the dismemberment of the empire and secured the fidelity of the troops, while they accustomed the conquered nations to look to Rome for their guards.

On the descent of the German nations into the empire, Britain again recovered her liberty,—having been subject to the Romans nearly 400 years; and in the year 420 the Emperor Honorius formally released the inhabitants from their allegiance. No longer overawed by the presence of the Roman legions, the Britons refused to acknowledge the authority of the provincial and municipal governors, and restored the power of the ancient chiefs under the supremacy of an elective monarch, who bore the title of Pendragon, and administered the affairs of the central government. This rude form of government was ill adapted to the exigencies of a civilised state, and the whole country became involved in anarchy and civil war. In the south the Roman and British factions contending for the supremacy, and in the north the ravages of the Picts and Scots, devastated the island with fire and sword; many of the fortified towns were dismantled, the temples and villas deserted, and the

island was fast returning to that state of barbarism from which it had been raised by the arts and sciences of Rome, when a new enemy appeared upon the arena. Previously the Britons had had only to contend against the fierce tribes of the north, but now every east wind brought fleets of hardy warriors from the shores of Germany: even in the Roman times the Saxons and Angles from the north of Germany and the mouth of the Elbe had made their appearance on these coasts, but they had always been successfully resisted, and Carausius had swept the northern seas of their piratical fleets.

Before, however, proceeding to the Saxon conquest, we must take a retrospective view of the influence of the Roman civilisation. When the Romans visited Britain the physical aspect of the country was very different from what it is at the present; the uplands were then covered with furze or shaded by lofty forests, while the banks of the rivers and the fertile plains were overspread with marshes. Amongst the effects of civilisation, the change in the climate of a country should not be overlooked: in the Roman times the temperature of the whole of Europe was far below the present, the Danube then being often frozen up for three months in the year, so that whole armies crossed it on foot: Britain must therefore at the same time have been both colder and moister, a difference which is still observed in the climate of Ireland, a great part of its surface being covered with lakes and bogs. The first advance to civilization was the establishment of a grand military way, which, traversing the island from north to south and from east to west, kept up a constant communication between the military stations or fortified towns, which were generally distinguished by the name of *Castra*. This term, retained in the names of many modern towns, as Chester, Winchester, Cirencester, indicates in most instances the site of a Roman fortress.

Amongst the gigantic undertakings for which the Romans were celebrated, their military ways deserve especial mention; they were cut through mountain, hill, and vale, and paved with huge stones which resisted the action of the atmosphere, and for many ages formed the only means of communication between different parts of the kingdom.* In the Saxon times these roads were called

* It appears that the principal roads throughout the kingdom are based upon the ways formed by the Romans, whilst the country was a province of the empire, and that their four grand military roads traversed the island in different directions. In after times the Anglo-Saxons gave to these ways the name of Streets (*Stræt*), from the Latin *Strata*, and they are now known to us as the Watling Street, from *Wætlinga Stræt*, which ran from Dover, through London and St. Alban's, on to Chester. The Ermyrn Street, from *Eormen Stræt*, traversed the country from Pevensey, through London northwards to Lincoln, and then

Watling Street, Ermyrn Street, the Ryknield and the Icknield way; besides other subordinate roads, the traces of which still exist in various parts of the kingdom, and form the basis of our modern highways.

Buildings of stone and brick were unknown to the Britons; as soon, however, as the Romans obtained possession of the island, they erected magnificent temples and villas, and founded the towns of London, York, Rochester, Bath, and St. Alban's, which shortly became the seats of wealth and commerce. The whole island of Britain formed but a single Roman province till the reign of Severus, who divided it into Superior and Inferior,* while the unsubdued natives beyond the wall constituted, according to Cellarius, a third portion, called *Britannia Barbara*; but at a later period the island appears to have been divided into five provinces,† called *Britannia Prima*, *Britannia Secunda*, *Flavia Cæsariensis*, *Maxima Cæsariensis*, and *Valentia*, the chief towns of which were *Londinium* or *Augusta* (London), *Eboracum* (York), *Colonia* or *Camalodunum* (Colchester), *Verulamium* (St. Alban's), *Durobrivis* (Rochester), *Durovernum* (Canterbury), *Portus Dubris* (Dover), *Regnum* (Chichester), *Venta Belgarum* (Winchester), *Sorbiodunum* (Old Sarum), *Durnovaria* (Dorchester), *Isca* (Exeter), *Pontes* (Staines), *Durocornovium* (Cirencester), *Aquæ Solis* (Bath), *Prætorium* (Pattingham, near Flamborough), *Luguwallum* (Carlisle), *Mancunium* (Manchester), *Deva* (Chester), *Venonæ* (High Cross), *Vagniacæ* (Southfleet), *Rutupiæ* (Richborough), *Camboricum* (Cambridge), *Lindum* (Lincoln), *Ratae* (Leicester), with many other stations of less note mentioned in the "*Antonine Itinerary*," but which space will not permit us to insert.

The exports of Britain were rich and numerous, the trade being carried on by the Roman merchants, as the Britons were not expert in ship-building or in maritime enterprise. When the lands were cleared, corn became the chief article of export, and so abun-

through Yorkshire to the s.e. of Scotland. The other two were the Icknield Street and the Ryknield Street, the origin of which is scarcely traceable: these crossed the country from the Norfolk coast, by Cambridge, Old Sarum, and Exeter, to the southern coast of Cornwall, and from the Tyne to Gloucester and St. David's. There were also other subordinate roads, as salt-ways and track-ways: one traversed the district from Droitwich easterly to the Lincolnshire coast, and another from the same place southwards to the Hampshire coast. The road known as the *Æceman Street* led from the east to Cirencester: this street took its name from the number of invalids who traversed it on their way to Bath, called likewise *Æceman-Ceaster*. That called the *Foss-way* ran from Seaton on the south coast, through Bath, Cirencester, and Leicester, on to Lincoln.

* Herodian, iii. 8.

† *Ex Itinerario Antonini Monumenta Historica Britannica*, i. p. xxiii.

BRITAIN

under the Romans.

Roman Miles

0 20 40 60 80

Provinces

- 1 Britannia Prima
- 2 Britannia Secunda
- 3 Flavia Caesarionis
- 4 Maxima Caesarionis
- 5 Valentia



dant were the harvests of the virgin soil, that Britain was designated the northern granary. British cattle, horses, and dogs were highly esteemed on the continent; and tin, lead, iron, and the precious metals, as well as pearls and oysters, were offered in the Roman markets in exchange for the manufactures of Italy and the luxuries of the East.

Acquaintance with the Romans soon introduced into Britain a knowledge of the advantages of a regular medium of exchange; and not long after Cæsar's arrival we find many beautiful specimens of gold coins bearing on the obverse the figures of sheep and horses: formerly most of these coins were referred to the Saxons, on account of their sacred horse, but more recent observations have proved them to be British. These figures had probably some relation to the value of the coin, it being the custom with all nations in an early stage of civilisation to estimate the price of any article not in money, but in sheep or other cattle, which fact is indicated in the Latin word for money, *pecunia*, derived from *pecus*, a flock or herd.

Another important event brought about by the Roman occupation of this country was the introduction of Christianity. This, however, was not effected at once, since, although the Romans from political motives discouraged the religion of the Druids, they had, in the first instance, nothing to place in competition with it but the Polytheism of the empire. This system was shortly to be superseded, and not long after the date of its conquest, Britain, with the rest of the empire, embraced the truths of Christianity. Political views ere long raised a persecution against the new faith; for the Romans, who had always been ready to adopt the gods of the conquered countries, opposed the growth of Christianity, because it fostered views entirely different from those they had met with in any other creed. It asserted the right of private judgment, and engendered a spirit of freedom which no power of the Pontifex Maximus could restrain. Tiberius would gladly have enrolled Jesus in the number of the gods; but Religion, which had always hitherto been an agent of State, in this instance asserted the right of individual independence, and established a power apart from that of the civil magistrate, and this was the spirit which the Roman emperors hoped to have crushed. What Diocletian, however, could not perform, was accomplished by the incursions of the heathen Saxons, and it was not till the sixth century that the gospel was again restored by the preaching of Augustine.

The influence of the Roman occupation of Britain on the civilisation of these islands was exceedingly transitory; many material monuments still remained, but life and energy had fled, and on the withdrawal of the imperial legions, it has justly been observed, the

very remembrance of the Roman name vanished like a dream. One circumstance, however, has been overlooked by historians which bears on the after history of the country, and may have materially affected our present constitution; it was Roman industry and skill which first reduced the land from a wild or wooded waste to a richly cultivated country: "The Britons of the fifth century," says Sharon Turner, "may be considered to have pursued the best system of husbandry then in use, and their lands to have been extensively cultivated, with all those exterior circumstances which mark established proprietorship and improvement: as, small farms, enclosed fields, regular divisions into meadow, arable, pasture, and wood; fixed boundaries, planted hedges, artificial dykes and ditches, selected spots for vineyards, gardens, and orchards, connecting roads and paths, scattered villages and larger towns; with appropriated names for every spot and object that marked the limits of each property, or the course of each way. All these appear in the earliest Saxon charters, and before the combating invaders had time or ability to make them, if they had not found them in the island. Into such a country the Anglo-Saxon adventurers came, and by these facilities to rural civilisation soon became an agricultural people."* Had the Roman conquest never taken place, it is impossible to say whether the Saxons would have gained a permanent settlement in this island,—experience speaks to the contrary. Ireland, equally endowed by nature, and possessed of equal advantages, was often invaded and overrun, but never planted. The Roman conquest was for Britain what the English settlements in New Zealand and Canada are for those countries;—whatever nation may in future possess them, the traces of English civilisation will remain.

The century which elapsed from the departure of the Romans to the Saxon occupation was spent between wars with the Picts and Scots, and internal conflicts; but of this period we know little,—the Britons possessed no men competent to record what passed within their own observation, and the Romans were too busied at home to attend to the affairs of a distant province: history was left to the songs of the bards, and the events of the fifth and sixth centuries can only be ranked amongst the feats of an heroic age. Although the South Britons are said to have made considerable progress in the arts and sciences under the Romans, there appear to have been few men amongst them, either of learning or genius, whose names have come down to us.

Tradition, rather than authentic history, records Sylvius Bonus who lived in the fourth century, and was contemporary with the Roman poet Ausonius, whose works he so severely criticised that

* History of the Anglo-Saxons, vol. iii. App. No. 2.

the Roman poet composed against him six epigrams; St. Ninus, who preached the gospel to the Picts and Scots, and St. Patrick, the famous apostle of the Irish, supposed to have been born on the banks of the Clyde; Pelagius, the founder of the Pelagian heresy, and his disciple Celestius, who were also descended from British parents.

In the Saxon conquest of these islands we have no reason to infer that the Roman inhabitants of London, Colchester, and other municipal towns, were in the least affected, except so far as they took part with the native Britons; the Saxons interfered but little with the towns, and devoted themselves solely to agriculture and arms. London submitted without much resistance, and in all probability the remains of the Roman population incorporated themselves with the conquerors as in other parts of Europe. This hypothesis is strengthened by the early introduction of Latin words into the Saxon language, while comparatively few traces of a British element exist. Dr. Latham observes, that had the Saxon conquest never taken place, the language of England would have been not Gaelic, but Latin; had the Norman conquest never taken place, it would not have materially differed from what it is at present.

CHAPTER II.

FROM THE SAXON CONQUEST TO THE UNION OF THE SEPARATE STATES. A.D. 449—825

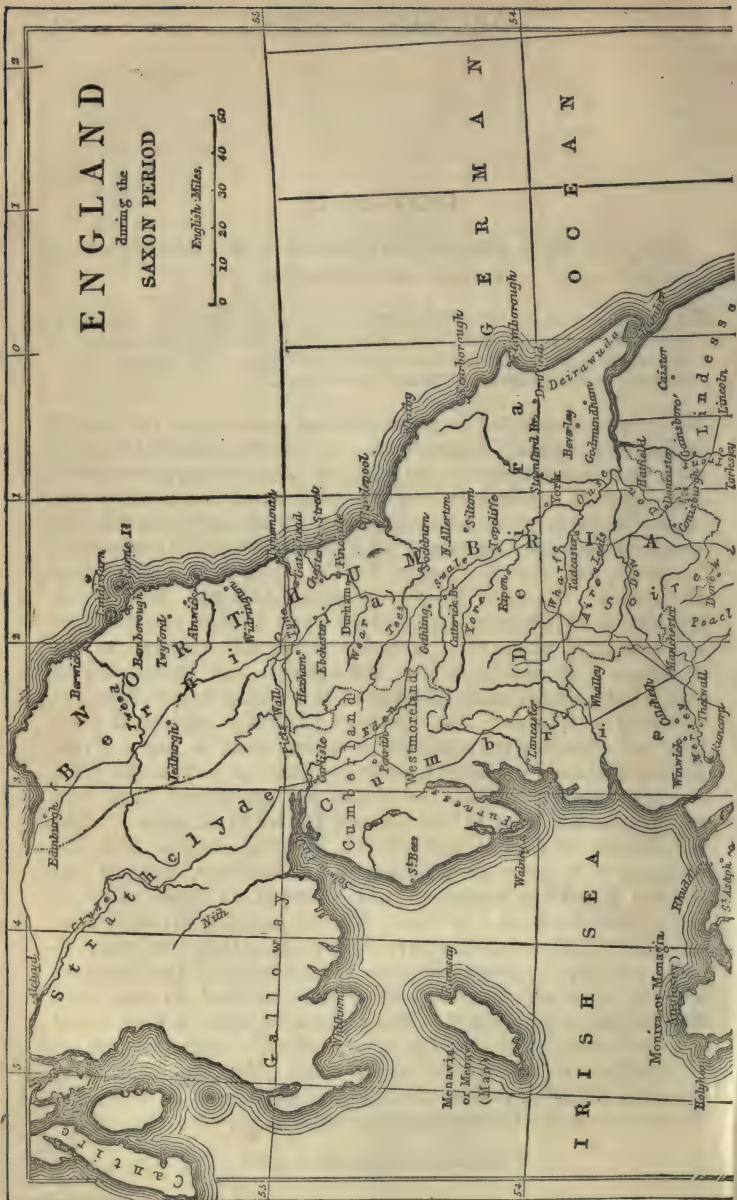
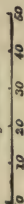
The Saxons assume an important place in history—Notion of an Heptarchy erroneous—Origin of the Saxon tribes—Their character and manners—Analogy between Greece and Scandinavia—Reception of Christianity—Early History—Union of the Saxon States under Egbert.

WE now approach the important period from which the history of England actually commences. It was the Saxon Conquest that stamped a permanent and original character upon our laws, language, and institutions. Of the incidents of this grand event, and the changes which accompanied it, we are left in much uncertainty: our earliest record of it was written 300 years after the event, and though meagre, Bede's is the best account that we possess. "About the year of grace 445–446, the British inhabitants of England, deserted by their Roman masters, who had enervated while they protected them, and exposed to the ravages of Picts and Scots from the extreme and barbarous portions of the island, called in the aid of heathen Saxons from the continent of Europe. The strangers faithfully performed their task, and chastised the northern invaders; then, in scorn of the weakness of their employers, subjected them in turn to the yoke, and, after various vicissitudes of fortune, established their own power upon the ruins of Roman and British civilisation." The few details which had reached the historian taught that the strangers were under the guidance of two brothers, Hengest and Horsa; that their armament was conveyed in three ships or keels; that it consisted of Jutes, Saxons, and Angles; that their successes stimulated similar adventurers among their own countrymen; and that in process of time their continued immigrations were so large and numerous as to have reduced Anglia, their original home, to a desert. Many romantic legends were added at a later period, but even the more authentic statements cannot be received without much deduction. Mr. Kemble* aptly observes, "that it strikes the inquirer at once with suspicion, when he finds the tales supposed peculiar to his own race and to

* Saxons in England, vol. i. p. 16.

during the
SAXON PERIOD

English: Miles,





this island, shared by the Germanic populations of other lands, and with slight changes of locality, or trifling variations of detail, recorded as authentic parts of their history." These traditions, however, contain the elements of truth, and identify the middle of the fifth century as the time in which the great migrations of the Saxon tribes took place, although it is more than probable that the Saxons had established a firm footing in the island long previous to this period.

Kent was the first district wrested from the Britons: Ella seized on Sussex, Cerda on Wessex, and an Anglian chief named Ida, arriving off Flamborough Head, established himself in Northumbria. The Britons appear to have offered but a feeble resistance to the progress of the Saxon arms, although two centuries elapsed before the strangers reached Devon and Cornwall. "The details," says Mr. Kemble, "of a long and doubtful struggle between the Saxons and the Britons are obviously based upon no solid foundation; nor have we any records remaining of the slow and gradual progress that would have attended the conquest of a brave and united people."

The Saxons took possession of the country by degrees, and under their several chieftains established a number of independent states, which have usually been described as an Heptarchy, consisting of the seven kingdoms—Kent, Sussex, Wessex, Essex, Northumbria, East Anglia, and Mercia; there was, however, no such permanent division, and the term Heptarchy appears to have originated from the erroneous supposition that the several states formed a kind of federal union. A better knowledge of Saxon history has shown that no such alliance existed, although the minor states frequently entered into a temporary union for the greater facility of carrying on war; and seven of the more powerful monarchs assumed the title of Bretwalda, which is supposed to have conferred a kind of military superiority.

Before their settlement in England, the Saxons are described as one of the bravest nations of Germany; inhabiting the sea-coast from the Elbe and the Rhine as far as Jutland, and divided into Jutes, Angles, and Saxons proper. These tribes, like the other German nations, were distinguished for their love of liberty, their voluntary obedience to their chiefs, and their respect for the female sex, which national characteristics, under a more advanced and artificial state of society, produced the singular institutions of chivalry of which we shall have occasion to speak hereafter. With the Germans, religion was an ennobling principle; and their near proximity to the sea led them to engage in piracy and maritime pursuits: in fact, both in religion and institutions they nearly resembled the early Greeks, and their self-dependence and

love of liberty promised the same favourable results. The Scandinavian mythology was a very ideal faith, and, like the religions of Greece and Rome, mainly rested on the powers of the imagination; although not so elegant in structure, it was more wild and majestic, and free from the more odious vices of the classic system. The two creeds had many points of coincidence: the wholesale transfer of human faculties and passions to the gods without human limits and restraints; the belief in nymphs, giants, and other beings neither gods nor men, and the tendency to universal personification, were the common property of Greece and Scandinavia: every stream and every mountain had its tutelary guardian, and the whisper of the gods was heard in every gale. Like infant Greece, the northern nations were passionately fond of verse; their histories were written in verse, and the sagas "of the Germans respecting Tuisto, the earth-born god, his son Mannus, and his descendants; the eponyms of the various German tribes, as they are briefly described by Tacitus, remind us of Hesiod or Eumelus, or the Homeric hymns."* Many of these sagas have been preserved: they are composed in a metre called alliterative, perfectly distinct from the classic and modern measures, and sounding uncouthly on the unaccustomed ear.

Had the Scandinavian nations been left to themselves, it is impossible to say whether they would have possessed inherent energy enough to have made a progress similar to that of the Greeks. Grecian civilisation was intuitive; her poetry and her arts were the genuine offspring of the Grecian mind, and it was but a step in development from the imagery of Homer to the calm calculating philosophy of Plato and Aristotle: but such was not the case with the Scandinavians; while their poetry was yet in its infancy, they came in contact with a religion and a civilisation far in advance of their own, which dispelled all pre-existing associations. With the introduction of Christianity fell the poesy and literature of the North, and the national bards became mere imitators of the Romans: only in Iceland, where the ancient faith was longer preserved, do we find traces of what the Scandinavian literature might have become, had it been undisturbed by extraneous influences.

597.] It was during the reign of Ethelred of Kent that the Christian religion, which had almost disappeared before the ravages of the pagan Saxons, again revived under the protection of Queen Bertha, the daughter of Caribert, king of Paris, who, having been educated in the Christian faith, procured for Augustine and the missionaries of Pope Gregory a favourable reception at the Kentish court. Seberht, king of the East Saxons in 604

* See Grote's History of Greece, i. p. 619.

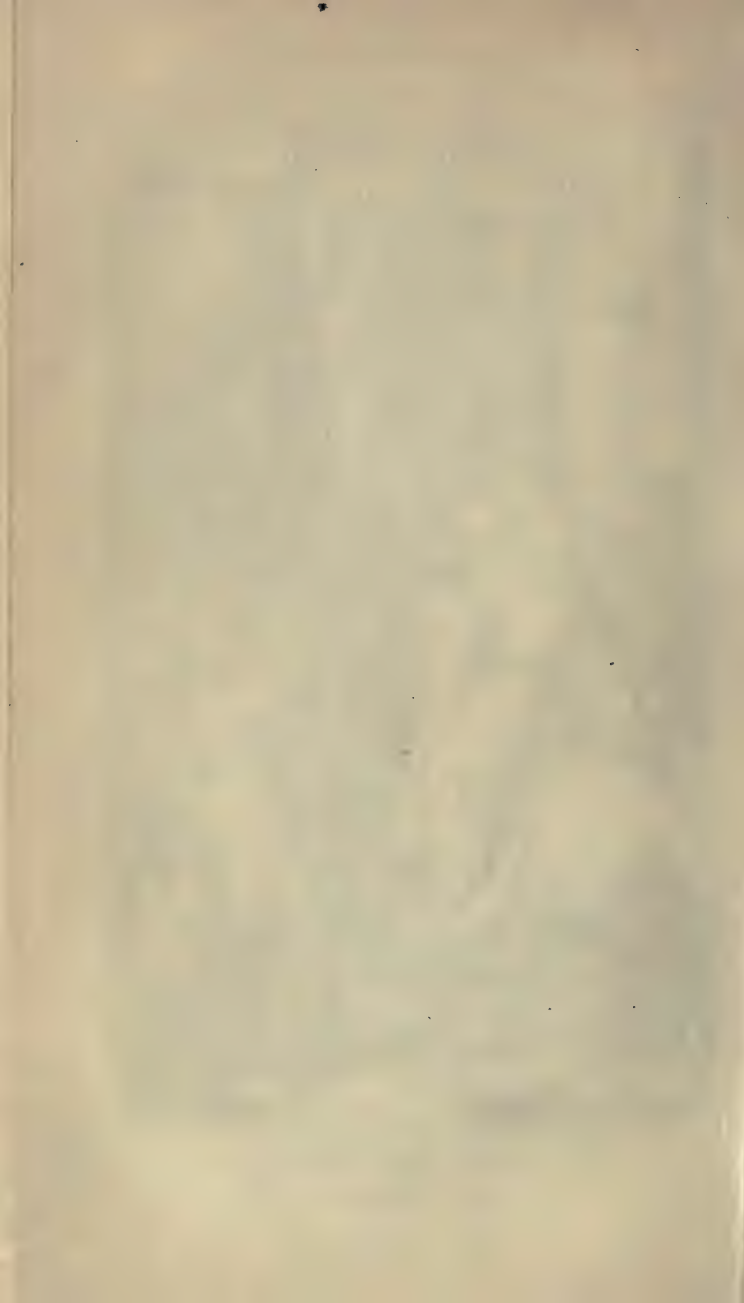
followed the example of the Bretwalda Ethelred, and erected a Christian church on the site now occupied by St. Paul's. The influence of the church gradually increased, and when Redwald, king of East Anglia, became Bretwalda, he summoned a general council or witenagemote at Godmundham, to consider the new doctrines preached by Paulinus. All present were unanimous as to the utter inefficiency of the gods whom they worshipped; and Coifi, the pagan high priest, in an eloquent harangue, is said to have proposed their overthrow; casting aside his priestly garments, he called for arms, which the Saxon priests were forbidden to wield, and for a horse, which they were not permitted to mount, and, thus accoutred, galloped to the shrine at Godmundham, where the chief idol stood, and hurling his lance within the enclosure, profaned the consecrated shrine. No lightning descended,—no earthquake shook the ground; and the people, encouraged by the example of their priest, levelled the sacred enclosure.

Such is the account which the chroniclers have left us of this important event. "Two suppositions," says Mr. Kemble, "can alone explain the facile apostacy to or from Christianity which marked the career of the earliest converts: either, from a conviction of the inefficacy of heathendom, had proceeded a general indifference to religious sanctions, which does not appear to answer other conditions of the problem, or the moral demands of the new faith did not seem to the Saxons more onerous than those to which they were accustomed: those who had believed in runes and incantations were satisfied with the efficacy of the mass; a crowd of saints might be invoked in place of a crowd of subordinate divinities; the holy places had lost none of their sanctity; the holy buildings had not been levelled with the ground, but dedicated in another name; the pagan sacrifices had not been totally abolished, but only converted into festal occasions, where the new Christians might eat and drink, and continue to praise God: Hreðe and Eóstre, Wóden, Tiu and Frige, Thunor and Sætere, retained their places in the calendar of months and days: Erce was still invoked in spells; Wyrð still wove the web of destiny; and while Wóden retained his place at the head of the royal genealogies, the highest offices of the Christian church were offered to compensate the noble class for the loss of their old sacerdotal functions. How should Christianity fail to obtain access where paganism stepped half-way to meet it, and it could hold out so many outward points of union to paganism?"* Such are the considerations which strike the philosopher as he views the confiding, child-like faith of the early converts to

* Saxons in England, i. p. 444.



COIFI DESTROYING THE SHRINE AT GODMUNDHAM. (p. 22.)



Christianity; and he is almost tempted to inquire whether the Romish ceremonial, with its external pageantry and pomp, was not better adapted for the conversion of a heathen world than the preaching of a purer faith.

While England was divided into a number of petty states, the country was always in a state of commotion, owing to the continual wars in which the separate princes were engaged, as often turning their arms against each other as against the original inhabitants, who still retained possession of Cornwall and Devon, and the country west of the Severn, together with the northern counties of Cumberland and Westmoreland. It was not till the middle of the eighth century, when the minor states had been subverted or absorbed by the three powerful kingdoms of Northumbria, Mercia, and Wessex, that the Britons were finally driven beyond the Wye, which country then received the name of Wales, from the Saxon *Wealh* (or Gael), "a stranger or foreigner."

The smaller states, Kent, Sussex, Essex, and East Anglia, having disappeared, the three remaining kingdoms vied with each other for the superiority. Northumbria, weakened by internal dissensions and foreign invasion, gave way to Mercia, whose king, Ethelbald, in 737, asserted his supremacy over the whole country south of the Humber. Five years after, impatient of their subjection, the men of Wessex rose and recovered their national independence at the battle of Burford, in Oxfordshire; and although Offa the Terrible, the most magnificent of the Mercian princes, wrested from Wessex all her territories on the left of the Thames, he never recovered possession of the whole country.

Before the death of this sovereign a dispute arose between Beorhtric and Egbert concerning the succession of the crown of Wessex. Beorhtric being supported by the people, Egbert took refuge at the court of Charlemagne, where he remained for fourteen years, till, hearing of the death of Beorhtric, who had been poisoned by his wife, he again returned to England, and was joyfully received by the people of Wessex. His first exploit was against the Britons of Cornwall and Devon, whom he reduced to subjection; then, turning his arms against Bernulf, who had usurped the throne of Mercia, he defeated him on the banks of the Wiley, in A.D. 823, and two years later gained a second victory over the allied army, when Bernulf was slain in the action, and all Mercia, with its dependencies, added to the crown of Wessex. East Anglia and Northumbria voluntarily submitted, and the whole country south of the Humber acknowledged the authority of Egbert.

CHAPTER III.

FROM THE UNION OF THE SAXON STATES TO THE DEATH OF
ALFRED. A.D. 825—901.

Union of the Saxon states under Egbert—Appearance of the Danes—Prosperous reign of Alfred—Influence of the Danish invasions in consolidating the kingdom—Anglo-Saxon constitution—Division into counties and hundreds—Appointment of sheriffs—County court—Trial by jury—Succession of the crown.

FOUR centuries had now elapsed since the landing of the Saxons in Kent, and the country for the first time enjoyed the blessings of peace and internal tranquillity under the administration of Egbert, who, during the fourteen years he resided at the court of Charlemagne, had imbibed those views of extended empire and well-administered justice, which in a great measure enabled him to consolidate the discordant elements of which his new kingdom was composed.

Although possessed of the chief power, Egbert never assumed the title of king of England, but was contented to be called king of Wessex, with the title and authority of Bretwalda: and the several states, though dependent on Wessex, retained their own laws and separate administrations until the reign of Alfred, with whom the kingdom of England may be properly said to commence, as by that time the continued incursions of the Danes had obliterated all traces of the ancient independence of the individual states.

DANES.—Scarcely had civil discord ceased by the union of the states, before a new and powerful enemy appeared. The Danes or Northmen, who had been long known in the south of Europe for their piratical expeditions, now first appeared off the English coasts: favoured by the easterly winds which had brought the Saxons four centuries before, fleets of these hardy warriors of the north crossed the tempestuous channel which divided England from the eastern shores of Germany. As their light barks with two sails cut through the sparkling ocean, they would sing, "The force of the storm is a help to the arm of our rowers, the hurricane is in our service; it carries us the way we would go." When, after a speedy passage of three days, they approached the verdant shores

of the south, the same chieftain who had led the way at sea still conducted their dauntless host, and was saluted by the title of king: but he was a king only at sea and in combats; for in the hour of repast the warriors sat in a circle, and the beer-horn passed from hand to hand, without distinction of first or last. The sea-king was everywhere faithfully followed, and always zealously obeyed; for he was renowned as the bravest of the brave—as he who had never slept beneath a rafted roof, nor ever drained the bowl by a sheltered hearth. Although allied in language, institutions, and kindred with the Anglo-Saxons and the Franks, these ruthless sons of the north retained no recollection of their ancient kindred. The conversion of the Teutonic nations of the south to the Christian religion had broken every fraternal tie between them and the Teutons of the north. In the ninth century the Northmen still gloried in the title of Sons of Odin, and treated the Germans, who were sons of the church, as bastards and renegades, making no distinction between them and the conquered nations whose worship they had adopted. Franks or Gauls, Longobards or Latins, all were alike hateful to the men who had remained faithful to the ancient divinities of Germany. A sort of religious and patriotic fanaticism was thus allied in the souls of the Scandinavians with their disorderly spirit and insatiable thirst of gain. They shed the blood of priests with pleasure, were particularly gratified in pillaging churches, and littered their horses in the chapels belonging to palaces. When they had wasted with fire and sword some canton of the Christian territory, “We have sung the mass of lances,” they would say in derision, “it began at dawn of morning and has lasted until night.” *

In the year 787 these fierce invaders first made their appearance on the southern coast of England, where they were met and defeated by Offa of Mercia. Their incursions soon became periodic, and being joined by the remnant of the British population, who gladly seized this opportunity to be revenged on their conquerors, they spread devastation and alarm through the whole country. The reigns of Egbert and his four immediate successors are little more than one continued narrative of sanguinary encounters with these hardy warriors; and their desultory manner of warfare, which enabled them to take to their ships as soon as a sufficient force could be brought against them, filled the Saxon inhabitants with such dismay, that at length, wearied out with fatigue, they were on the brink of the same servitude and extinction which their arms had four centuries before brought upon the British

* Thierry, *Histoire de la Conquête de l'Angleterre*, tome ii. p. 126.

population. Mercia, Northumbria, and East Anglia had already sunk, and Wessex was on the verge of ruin, when Ethelred, dying of the wounds he had received in battle against the Danes, left the throne to his brother Alfred, a young man only twenty years of age, but who had already greatly distinguished himself for his courage and perseverance. After a series of engagements, Alfred was obliged to retire to a morass formed by the waters of the Thone and Parret, in Somersetshire, where he remained in seclusion till an unexpected victory gained by the men of Devon, in which the Danes lost their chief Hubba, and the enchanted raven, again afforded him an opportunity of taking the field. Having assembled the men of Wessex on the borders of Selwood forest, Alfred fell unexpectedly on the Danes, and completely routed them: Guthrun and the remainder of the army consented to receive baptism, and settled in the countries of East Anglia and Mercia, which their ravages had laid waste. This vast tract of land, extending from the Thames to the Tees, was long known as the Danelagh, and acknowledged but a nominal submission to the Saxon kings. Alfred possessed more power than any of his predecessors, and was the first prince who bore the title of king of England, yet his authority was exceedingly circumscribed, and had not the conquest of Neustria for a time occupied the attention of the Northmen, England must have eventually succumbed: even those provinces which the Danish invasions had not entirely depopulated were wasted, and the Saxon population sunk in the grossest barbarism; the monasteries, then the only repositories of learning, had been destroyed, the monks dispersed, and their libraries burned. So that Alfred, contemplating the wide-spread devastation, laments in this pathetic strain,—“When I took the kingdom, very few on this side of the Humber, very few beyond, not one that I recollect south of the Thames, could understand their prayers in Latin, or could translate a letter from Latin into English.” To remedy this fearful state of ignorance, Alfred instituted public schools, and invited learned men to attend his court: Asser, Grimbald, and Johannes Scotus were guests at the royal table; and the king procured a law to be enacted making it compulsory on all free men possessed of more than two hides of land to send their children to these schools. By such enlightened measures, aided by the example of the king himself, England recovered rapidly from the calamities of war,—towns and castles, villages and hamlets, sprang up throughout the country, and the habitations of the people became more comfortable than they had been at any previous period: even the fear which the Danish invasions had inspired, was not unmixed with good, as it served to cement the general harmony amongst the Saxons themselves,

the very remembrance of their petty nationalities being absorbed during these fearful struggles.

The Saxons were now united into one nation, and institutions and laws, before local, became general in their application. "The imperfect federal union," says Lord Brougham, "in France produced its usual effects, and enabled the king to overpower any one province by the force which he derived from the rest. Hence when the states of one province rejected a law or refused supplies, he had recourse to the others; so would it have been in England, had the division of the Heptarchy continued, and the king of Wessex been only the most powerful of the seven princes." This early disappearance of the separate states produced as its immediate consequence the union of the people of England in all their efforts to resist the encroachments of arbitrary power, and may be ranked amongst the predisposing causes to liberty in the English constitution, since wherever there is imperfect union, the guarantees of liberty are wanting.

During the latter years of repose Alfred employed himself in re-organising his dominions and concerting a more regular system of defence, by fortifying many of the principal towns, establishing a militia, and collecting a fleet, which he stationed in the ports on the eastern and southern coast, to intercept the Danish vessels before they could effect a landing: previous to this, England had possessed no regular navy, and, remarkable as it may seem, the Saxons, since their settlement in England, had lost their ancient love of maritime enterprise, and, even for the legitimate occupations of commerce, possessed but few merchant ships, and had but little intercourse with the rest of Europe.

The division of the country into counties, hundreds, and tithings, with the county court and system of frank-pledge, have been ascribed to Alfred, but without sufficient evidence. We have the testimony of history that these institutions were of a much earlier date, and not confined to England only, but common to the Franks, Lombards, and most of the German nations, who settled in the provinces of the Roman empire. It is quite possible that Alfred may have defined existing boundaries, but the laws of the West Saxon king Ine are incontestable evidence of the existence both of counties and aldermen long before the time of Alfred.

This king, however, introduced an important alteration in the administration of justice, by appointing a sheriff in each county, who might exercise the civil authority and preside in the county court, which duties, as well as the military government of the province, had formerly been discharged by the earl or ealdorman. This division of authority greatly diminished the power of the nobility, and increased the direct influence of the crown over the

distant provinces; for although titles of honour were not hereditary amongst the Anglo-Saxon nobility, but depended on the personal merit and local consideration of the possessor, yet the son of a duke or earl was more likely than any other person to succeed to his father's honours and government, as he inherited the family interest and power. It therefore became a matter of great importance to set due limits to the encroachments of the provincial governors, and through this timely restriction it was not until the great military commands became united in one family, that the crown had reason to fear the insubordination of its vassals.

The court of the hundred was held monthly and decided the minor suits, while the county court sat twice a year, at Michaelmas and Easter, and consisted of the thanes and freeholders of the county. In this court cases both civil and criminal were tried, charter-grants were recited, and all important negotiations concluded, in order that the freemen of the county might be witnesses of the transaction. At all these meetings the bishop and alderman presided, but the suit was determined by the majority of voices, and in the event of the decision being unsatisfactory, an appeal lay to the crown. It was to this rude though inestimable practice, observes Mr. Hallam, of administering justice in their own county courts the freemen of England mainly looked for the maintenance of their civil rights.

Like those of all other great monarchs appearing in a dark age, Alfred's actual deeds have been overlooked and partially forgotten, while later historians have referred to him every praiseworthy institution which they found in the old constitution, and to which they could assign no satisfactory origin; such institutions, however, are not the production of one age, much less of a single man, but the gradual development of national genius and modes of thought: had this error been confined to the monkish chroniclers, it would not have deserved consideration, but many of our ablest lawyers and historians have been led astray by like unfounded assertions. We have all heard recounted amongst the praises of Alfred, the invention of the system of trial by jury and the foundation of the common law of England: the truth is, that these institutions did not come into operation till the reign of Henry II., and then were the gradual growth of pre-existing customs.

Alfred, although stripped of these imaginary honours, was certainly a great and glorious prince. His military skill rescued the English nation from servitude and their name from extinction, while his ability and domestic virtues rekindled the lamp of learning when scarce a glimmer was visible, and established justice and public order on a lasting foundation.

Some historians have accused Alfred of endeavouring to infringe the liberties of his people, and certain it is that the consolidation of the kingly power under his reign produced, as its necessary concomitant, a considerable augmentation in the direct power of the crown; but in judging of the events of history we must constantly keep in view that the due balance of liberty and restraint constitutes the perfection of civil government; and as the proportion must inevitably vary with the civilisation and social condition of the people, we can only judge of the expediency of changes by their effects on the happiness of mankind: changes which at one period of the world's history are most disastrous, at another may be fraught with obvious advantage. The fault of the Saxon institutions lay on the side of liberty, and the increased influence of the crown was the greatest blessing which the union of the Heptarchy conferred. While the other countries of Western Europe were devastated by private warfare or the insubordination of their nobles, England enjoyed comparative peace and prosperity under the more concentrated power of the crown, produced by the complete union of its states.

In speaking of the reign of Alfred, another important feature of the Saxon constitution presents itself. Alfred was not the right successor to the English crown, according to our notions of hereditary succession; but the Saxons, although they strictly adhered to the royal line (which like those of Greece, traced its origin from the gods), frequently set aside the elder branch in favour of a more distant relative; in fact, in those early times, when the prosperity of a nation mainly depended on the personal abilities of the sovereign, the public security required that the affairs of the state should not be entrusted to a minor, or the more precarious substitute of a regency. The great antiquary Carte, contrary to his accustomed accuracy, has asserted that the Saxon crown was "lineal agnatic;" but unquestionably the eldest son of the last king, when of age and competent to reign, succeeded his father as his natural and legal successor, nor is it certain that in such instances the new king always waited for the formal ceremony of an election to take on himself the cares of government, although this constitutional right was never entirely dispensed with, as it formed an essential part of the ancient form of coronation. After the king had sworn to observe and govern by the laws and institutions of the realm, the archbishop who presided at the coronation demanded of the assembled people whether they received him as their king. It has also sometimes been maintained that the Saxon monarchy was elective, but there appear to be no sufficient grounds for such an inference: the British parliament retains at the present day the privilege of determining and even altering

the succession of the crown; nor is this privilege a dead letter, having been exerted in many important instances. Henry VIII. and Elizabeth, the most haughty of English sovereigns, frequently appealed to parliament for its authority in this matter, and although in modern times there is less occasion for the exercise of this power, as less depends on the personal resources of the prince, the heir of the English crown is king immediately on the death of his predecessor *de jure*, but it requires the constitutional sanction to make him king *de facto*.

The Saxon constitution, therefore, appears in this to have differed little from our own, only the exceptions were more frequent. Alfred supplanted the children of his elder brother Ethelred; Athelstan, notwithstanding his reputed illegitimacy, was chosen on the death of Edward the elder, and Edred succeeded, to the prejudice of his nephews, the infant sons of Edmund.

Commerce is the natural index of national prosperity, and, like all periods of good government, the reign of Alfred was distinguished by the stimulus which commerce received. The king had twice visited Rome in his youth, and sensible of the importance of a mercantile navy, favoured the intercourse of his subjects with foreign states by many wise laws and regulations. The arts, too, received many additions, especially those of metallurgy and ship-building, on which the king is said to have bestowed his personal attention. After having devoted himself for thirty years to the improvement of his country, Alfred died in 901, leaving his crown to his son Edward.



Costumes of Anglo-Saxons.

CHAPTER IV.

FROM THE DEATH OF ALFRED TO THE NORMAN CONQUEST.

A.D. 901—1066.

Peaceful reign of Edgar—Influence of the church—System of frank-pledge—Decline of the Saxon power on the death of Edgar—Incursions of the Danes—Canute—Huscarls—Restoration of the Saxon line—Banishment of Godwin—Harold—Battle of Hastings—Causes of the Conquest—Saxon constitution—its aristocratical tendencies—Hereditary nobility and right of primogeniture of Norman introduction—Witenagemotes—Wergeld—Proceedings of the Saxon courts—Compurgation—Ordeal—Question of feudal tenures before the Conquest—Taxes—Folcland and Boeland—Anglo-Saxon church—Authorities on Saxon History—Men of learning and genius—Saxon coinage.

THE three immediate successors of Alfred,—Edward, Athelstan, and Edmund,—by their wisdom and perseverance, matured the successful system of consolidation which that prince had commenced: the next reigns, those of Edred and Edwy, were devoid of political interest; but on the accession of Edgar, in 959, the kingdom attained a degree of grandeur and prosperity previously unknown. Under the vigorous administration of the churchmen Dunstan and Odo, the boundaries of the kingdom became co-extensive with the present limits of England, and the people enjoyed peace and security,—the effects of well-administered justice. During the whole of this long reign the kingdom was not disturbed by a single war; the kings of Scotland and Man, and the princes of Wales and Strathclyde, tendered their homage, and the friendship of England was courted by neighbouring princes. Edgar the Pacific, as he was familiarly named, was the first prince who laid claim to the seignory of Ireland, and rendered the English navy able to cope with its foreign enemies at sea. The general security which prevailed facilitated the growth of commerce and industry, and many foreign improvements were introduced; nor should we omit to mention the extirpation of the wolves, which annually came down from the mountains of Wales.

It has been observed, that the prosperity of a country in these early times mainly depended on the personal abilities of the king, but the reign of Edgar is an exception to this remark. In his personal character, Edgar was a weak and profligate prince, but it was his fortune to be surrounded by men of extraordinary talents,

though selfish in their motives : Dunstan and Odo were his constant advisers, and their counsels gave a general tone to the national administration. It was the great aim of the former of these prelates to assimilate the Anglo-Saxon church to that of Rome, for though identical in their forms of worship and religious ceremonial, a most important distinction existed between the two churches with regard to the marriage of the clergy and the government of religious houses. Dunstan, however, though opposed by the main body of the English clergy, succeeded in introducing into the monasteries the rule of St. Benedict, and compelled the priests to dismiss their wives and children. Everywhere the secular canons were driven out of the cathedrals and monasteries. This change greatly augmented the power of the clergy, and rendered them less careful of the interests of the people, by detaching their body from secular pursuits and rendering them more independent of the civil magistrate : however, during the Saxon times the king and witenagemote always retained the power of appointing to vacant sees, and the clergy were amenable to the common tribunals ; the possessions of the church, too, were not exempt from the public burdens to which the lands of all freemen were subject. The *trinoda necessitas*, as it is called in the ancient charters, was a land-tax for the purpose of fitting out military expeditions when the defence of the country might require it, the repair of roads and bridges, and the keeping of the royal castles. These were the only direct taxes imposed upon the freemen, as the revenues of the crown lands and the fines in the county courts were sufficient for maintaining the ordinary expenses of government.

In connection with the administration of justice, a most remarkable institution had been gradually springing up : the civil wars of the Heptarchy and the lengthened struggles with the Danes had driven many men from their ordinary agricultural employment into the fens and woods ; when, losing their habits of industry, they took to rapine and plunder. To repress this disorderly state of society many stringent laws were enacted ; no man could quit his shire without the consent of the alderman, and every one above the age of twelve was obliged to attach himself to some patron, since when found without a home he was liable to be punished as a vagabond. During the reign of Edgar this police became extended into a regular system, known as the law of Frank-pledge : by this law the whole population was distributed into a number of petty societies called tithings or freeburghs, which consisted of ten householders, and extended over every village throughout the kingdom, so that if any offence were committed, the tithing was bound to present the offender in

court, that he might make reparation in his own property and person; but if he escaped, the tithing was not answerable for his offence unless they failed to exculpate themselves from participation in his crime or flight. This system of frank-pledge was at first attended with obvious advantage to the people, as admirably calculated to repress that spirit of rapine and insubordination to which the Anglo-Saxons were more especially addicted; but although successful as a political regulation, it was certainly inimical to the true spirit of liberty, as it placed every man in the position of the guilty and accused by compelling him to find a surety who might be responsible for his appearance when judicially summoned. "Hence," says Mr. Hallam, "notwithstanding the personal liberty of the peasants, it was not very practicable for one of them to quit his place of residence. A stranger guest could not be received more than two nights as such; on the third the host became responsible for his inmate's conduct." From such a system as this it cannot be very difficult to trace the attachment of the cultivator to the soil, and his dependence on a superior lord; and however highly we may think of Saxon liberty, it is certain that the elements of feudal vassalage were silently penetrating every department of the state even before the Norman conquest, although it was not till after that event that the tithings and hundreds became such powerful instruments in securing the subjection of the people, by rendering each member of the tithing responsible for the conduct of all the rest.

Edgar showed a great partiality for foreigners, and invited to his court many Germans and Flemings, whom the monkish historians accuse of having corrupted the simple and virtuous habits of the English; but the uneducated have always been averse to foreigners, and however little worthy of imitation these men may have been in their private lives, we cannot doubt but that they introduced a taste for elegance and refinement, and contributed much to the brilliancy of Edgar's court. The revenues of the Saxon nobility were principally spent in hunting and feasting with their friends, and they paid little regard to elegance, either in their domestic arrangements or in the style of their private and public buildings.

The reign of Edgar was the summit of the Saxon power, and the important subject of legislation received a corresponding advance: during this short though tranquil interval no fewer than 163 new laws were enacted, while those of Alfred amounted only to 66, and jurisprudence began to be studied with a view to its practical application. After Edgar's death, however, in A.D. 975, the kingdom began rapidly to decline. Edward the Martyr, who succeeded him, before he had reigned three years

was assassinated through the treachery of his step-mother Ælfreda, to make way for her son Ethelred, a prince devoid of every noble quality. Perceiving the increasing weakness of the kingdom, the Danes, who had desisted from their depredations for nearly a century, now began seriously to contemplate the conquest of the island, and under the command of Sweyn, a son of the king of Denmark, who had been banished by his father, they landed on the eastern coast, took and plundered London, and compelled Ethelred to purchase a peace. To perform the conditions of this disgraceful treaty, the witan imposed a direct tax on the property of all freemen, which was called Danegeld, and was occasionally levied till the reign of Henry II., when it was finally abolished: but the attempts of the English to purchase peace increased the cupidity of the Danes; they arrived in great numbers every spring, and commanded by Sweyn, now king of Denmark, and Olaus of Norway, committed the most fearful ravages, and left the Saxons no alternative but submission or ruin. To free themselves from these odious tyrants, the English came to the cruel determination of a secret massacre, which was actually accomplished on St. Brice's day, 1002, when all who traced their descent from the hated race of Scandinavia—men, women, and children—were put to death in cold blood by the hand of the assassin. Many were related by the nearest ties of kindred and friendship to those by whose hands they fell: the descendants of Lodbrog burned with revenge for their countrymen who had so ignominiously perished. No hope remained,—Ethelred fled to Normandy, and the whole country sullenly submitted to the Danish conqueror: but since their first invasion a great change had come over the Scandinavian nations; during this interval they had embraced Christianity and were united under regular governments, so that the accession of the Danish dynasty produced no material change in the Saxon government either as regarded its institutions or laws.

The Danish warriors, who had followed the fortunes of their chief, quietly settled on the lands they had acquired, and gradually became assimilated to the native population, whose laws and language were not far different from their own. On the death of Sweyn, his son Canute was chosen by the Danish host; but the Saxon nobility, impatient of the foreign rule, invited Ethelred to return, having first extorted from him a pledge for the better government of the kingdom. The contest had assumed the character of a civil war, when Ethelred dying, the command of the Saxon forces devolved on Edmund, surnamed Ironside, from his courage in battle. The armies being so nearly matched, the two princes were prevailed on to come to a partition of

the kingdom: Edmund reigned south of the Thames, and Canute retained possession of the northern provinces, whose population was chiefly Danish. Edmund, however, only survived this treaty a few months, and Canute took undisputed possession of the whole kingdom. England, Norway, and Denmark were now united under one sceptre, and Canute reigned, the most powerful monarch in Europe; England was his favourite residence, and his vast resources secured his dominions from foreign invasion. Owing to the distracted state of the country, the early years of his reign were marked by insecurity and oppression; but as confidence increased amongst his Saxon subjects, and there was no longer fear of a successful rival, his administration assumed a milder form, and he gained the good-will, if not the affections, of his English subjects. This reign is remarkable for one important innovation—the formation of the first regular army which had been maintained in England since the departure of the Roman legions. The former kings had solely depended on the voluntary services of their subjects, who were bound by the tenure of their lands to aid the sovereign in repelling foreign invasion.* But Canute, on account of his extended dominions, found it convenient to retain constantly at his court a number of chosen warriors as a body-guard, who accompanied him on all his expeditions, and who received the name of *hus-carls*, or household troops.

The division of the extensive dominions of Canute amongst his sons produced, as its natural consequence, a series of desolating wars, and the two short reigns of Harold and Hardicanute offer nothing of historical interest. Thus terminated the Danish dominion in England, without leaving any permanent trace in the laws and institutions of the country. The Saxon population still outnumbered their conquerors, and on the death of Hardicanute, in 1042, the English gladly seized the opportunity to restore their ancient line; to which the Danes, who were quietly settled in the kingdom, offered no material resistance. Even Godwin, the trusty servant of Canute and powerful earl of Wessex, proffered to Edward the son of Ethelred his aid in obtaining the English crown, on condition that he should espouse his daughter Editha, who for her beauty and elegance was named “the Fair.” Although placed on the throne by the influence of Godwin’s

* This circumstance has led some historians to conjecture that the Saxon monarchy was based on a military tenure; but this single evidence is not sufficient to establish so important a fact, especially when we consider that it is the natural obligation of every citizen to aid in defending the state of which he is a member, and that in such circumstances the king in his capacity of chief magistrate might well command the co-operation of his subjects.

family, Edward never manifested a sincere attachment to that house, and on one occasion, Godwin having refused to chastise the people of Dover for resisting the insolent behaviour of Eustace of Boulogne, a Norman count, who had been on a visit to Edward, the earl and his sons were outlawed, and Editha deprived of her honours. Godwin and his sons fled from the kingdom and assembled a small force, with which they returned to the southern coast; and so strong was the national feeling in their favour, that the king was reluctantly compelled to come to an accommodation. Godwin attested before the assembled witan his innocence of the crimes laid to his charge: his rank and power were such as to preclude any possibility of questioning his veracity, for by the aristocratic principles of the Saxon constitution the credibility of an oath was regulated by the gradations of rank; and as Godwin was the highest noble in the land, none but the king's oath could be taken against his: his lands and honours were therefore restored, and the lady Editha returned to court; most of the foreigners and Norman favourites were outlawed, and the kingdom reduced to its former quiet state.

During Godwin's exile, William, duke of Normandy, had visited the king with a numerous retinue, and is said then to have received a promise of the kingdom; but this statement, like the oath extorted from Harold, is open to many objections, especially when we consider the recall of Edward Atheling from Hungary.

As Godwin was one day sitting at the royal table, shortly after his reinstatement in power, he was seized with a fit and expired, leaving his son Harold to succeed to his honours. The generosity of this young man's character conciliated the favour of most of the nobles, while his military talents were displayed by the facility with which he restored Malcolm to the Scottish throne, and chastised the encroachments of the Welsh princes. The remainder of Edward's reign was spent in peace, and although not distinguished for good fortune or wise government, was always looked back to by the English nation with affectionate regard, when smarting under the rigours of the Norman rule.

During the last half century an important change had been silently taking place: the small governments into which England had formerly been divided were now consolidated in the hands of a single family: Harold and his brother Gurth ruled more than half the kingdom, and the temporary tenure of office which had hitherto checked the aspirations of ambition was gradually disappearing before the hereditary principle. The Saxon constitution admitted no hereditary nobility, titles of honour were alone conferred by office, and on the death of an earl the new governor was directly appointed by the king or witan; but during the late

reigns, so long had the governments been entrusted to the same families, that they came to be considered as hereditary possessions.

Edward, who was childless, perceiving the danger of leaving the kingdom without an heir, sent to Hungary to invite Edward Atheling, son of Edmund Ironside, to return. Immediately after his arrival in England this prince fell sick and died. His son, Edgar Atheling, was a mean competitor by the side of the brave and accomplished Harold, and the Saxon people never bore a sincere regard to him, on account of his foreign birth and education; on the other hand, Margaret, his sister, was a princess of amiable manners, and by her marriage with Malcolm of Scotland secured to her brother and many of the Saxon nobles a refuge at that court, when they fled from the tyranny of William; under such circumstances Harold took possession of the throne with the approbation of the people: to strengthen his influence with the nobility, he married the sister of Edwin and Morcar, the two powerful earls of the North. Nevertheless he had many difficulties to contend with; his brother Tostig, who had been expelled by the people for his bad government of Northumbria, fled to Norway, where he induced the prince of that country to fit out an expedition against England: what was of greater concern, William, duke of Normandy, as soon as he heard of the accession of Harold, sent to demand the surrender of the crown under pretence of the bequest of Edward: a year however elapsed before this duke was able to assemble his forces, as the Norman barons, by the tenure of their lands, were not bound to aid in the acquisition of foreign territories. Harold proceeded with an army to the Sussex coast, in order to oppose William, should he attempt an invasion: meanwhile Tostig and the king of Norway had landed in the north, where, having defeated the combined forces of Edwin and Morcar, they were preparing for the subjugation of the country: Harold hastened to the scene of action, and having gained a brilliant victory, returned to York with the Norwegian spoil. While feasting with his victorious troops, tidings came of the landing of the Normans in Sussex, who, contrary to expectation, had effected the passage of the Channel without opposition, while the English fleet were dispersed in search of provisions. On receiving this news Harold hastened to London, but he had lost many of his best troops in the late action, and disgusted others by not dividing amongst them the booty: in six days, however, he assembled a force which he deemed sufficient to take the field, and the two armies met near Hastings, in Sussex, where an engagement ensued which lasted from morning till sunset: at first, victory inclined for the English,—but the superior arms and discipline of the Normans finally prevailed;

their skilled archers committed fearful havoc on the closed ranks of the English, who, although invincible while the enemy was within reach of their heavy battle-axes, were unfit for pursuit or stratagem: however, the Saxon phalanx stood firm until Harold and his brothers had fallen, and only then, covered by the darkness of night, broke and dispersed: the Normans continued the pursuit by the light of the moon; and when next day William reviewed his troops, it was found that the Normans had lost one-fourth of their number.

Although this victory gave to William the command of the country, it was more a concurrence of favourable circumstances than any actual superiority which secured to him his conquest. Normandy was but an insignificant province in comparison with England, and only a small army had as yet perished. The English, too, were in the full enjoyment of liberty, and free institutions, no domestic factions divided their councils, and the people were not inferior in courage to their conquerors; yet all was given over after the single defeat at Hastings,—an event unparalleled in history, were we to regard the victory as a conquest: Harold had fallen, and with him the hopes of the people. Between Edgar Atheling and William the Norman there was little to choose; both were equally strangers to the Saxon manners, and the former, on account of his weakness of intellect, had already been set aside at the election of Harold. England was at this time remarkably destitute of great men; the weak reigns of Ethelred and Edward had thrown all power into the hands of a few leading families, and an oligarchy, at all times unstable, was perfectly unable to resist so powerful an enemy as the duke of Normandy: other secret causes had also been silently at work. Since the accession of Edward, a great tendency to introduce the manners and customs of the Normans had prevailed,—in many places the popular jurisdiction of the hundred court had been superseded by the seignorial, in which the lord of the manor tried both civil and criminal causes in his own court, like the barons on the continent. With these foreign innovations the people were discontented, and but too inclined to believe the fair promises of William, who rested his claims, not on the battle of Hastings, but the bequest of the late king, and promised to govern by the Saxon laws and institutions: the oath taken by him at his coronation was exactly similar to that administered to the Saxon kings. Under such circumstances it was impossible to foresee the evils impending over the nation. Edgar had been crowned in London, but no national movement took place in his favour, and all his measures wanted energy and decision. Before, however, proceeding to the Norman period, we will take a short retrospective glance at the Saxon institutions.

The Saxons were eminently an agricultural people, and, like the early inhabitants of Greece and Rome, their wealth mainly consisted in land and agricultural produce. Every man was engaged in tillage, and at the period of the Conquest it has been calculated that in some districts of England there was nearly as much land in corn as at the commencement of George the Third's reign.* The lands were divided between arable, pasture, and wood-land. the latter being common to all the inhabitants of the village or *tán*; this was called "markland," as it separated the different settlements. The Saxons ploughed, sowed, and harrowed their lands, but their implements were of the rudest kind. Orchards and gardens were solely confined to the monasteries, at this time the only receptacles of learning; numerous herds of swine fed on the mast in the forest, and the farmers had both sheep and cattle: however, the main object of attention was the cultivation of wheat and barley, which constituted the staple articles of diet;† the bread was made of a mixture of barley, rye, and wheat, and baked in cakes on the hearth. One of the greatest improvements of this age was the introduction of water-mills, the flour having previously been ground in hand-mills, which had remained unimproved from the days of Homer and Hesiod. The economy of the household was exceedingly simple: the people possessed in abundance the necessaries of life, but few luxuries either in the way of dress or furniture, as these had to be imported from abroad, and were therefore only found in the houses of the rich.

The people were divided into three classes—the nobles, the free, and the servile: the nobles were called "thanes," and were the

* Kemble's Saxons in England, i. 112, note.

† In the Report of the Commissioners for the Great Exhibition of 1851, many curious statistics are given of the introduction of vegetable products. Wheat, barley, oats, and rye have for many ages been known to the inhabitants of Europe. Wheat appears to have been brought over to this island by the first settlers from the continent, for, although cultivated in all parts of the world, it is nowhere found in a state of nature. The oat was discovered wild in Abyssinia by Bruce, and the Romans first saw rye in Britain; but most of our fruit-trees and edible plants were introduced by the Romans, who raised on the virgin lands of England abundant harvests for the supply of the northern parts of the empire. The Normans introduced the vine, the gooseberry, and the currant from the milder regions of France, and the monastic institutions bestowed much care and attention on the cultivation of orchards and gardens. The Crusaders brought with them the French bean, buck-wheat, and other plants of less value, from the countries of Asia Minor. Gradually, as commerce extended, new plants have been introduced: the gardener of Henry VIII. cultivated apricots, and in 1548 figs were introduced from the South of Europe; so late as the reign of Elizabeth, cauliflowers, broccoli, and asparagus were imported from Italy and Poland, and every subsequent year has added new varieties to the vegetable productions of Great Britain.

chief landholders in the kingdom; all offices in the state were reserved for them,—they alone could judge in the hundred and county courts, could hold offices of state, and command in time of war: the “ceorls” comprehended the numerous class of lesser freeholders, artisans, and free cultivators, who held their lands, by lease or book, of a superior lord, but could not be deprived so long as they performed the stipulated service: they were not bound to the soil which they cultivated, but, while they retained it, could not depart without permission of their lord and the license of the sheriff. The principle of representation being unknown, the ceorl enjoyed no share either in the general or local administration of the government, and his consent was not required either to the enacting of laws or the imposition of taxes: his personal influence, however, as a freeman was great; in times of emergency he was called on to bear arms in defence of the public safety; his life and property were under the protection of the law, and he was capable of all the privileges which property conferred. If he came to possess five hides of land, with a church and mansion of his own, he was esteemed a nobleman or thane; success in agriculture, commerce, letters, or arms, which were then the only professions esteemed worthy of a freeman, raised him to the same rank; there was no generic distinction of gentleman and *roturier*, as in France; a property qualification was all that was required, and the law was common to all. The title of earl was a personal rather than an hereditary distinction: the earl or ealdorman, to whom the local government of the province was consigned, was generally appointed by the king, though he was sometimes elected by the thanes, as in the instance of Morcar. The right of primogeniture was not acknowledged by the Anglo-Saxons; the father divided his lands amongst his children, and in some instances left the greater share of his personal property to the youngest, with the house and household utensils, as he was presumed to stand most in need of them. The famous law of *quia emptores*, permitting the barons to sell so much of their lands as would not incapacitate them from performing the necessary services to their liege lord, in a great measure restored the Saxon population to their ancient right of property, of which they had been deprived by the feudal tenure.

The government of the Saxons was an aristocratic monarchy, but the people on the whole enjoyed a great amount of personal liberty; the laws, in themselves defective, were well administered, and in the early period at least of the Saxon history, the fault rather inclines to excess of liberty than over-restraint; to remedy which inconvenience, the law of frank-pledge was gradually introduced. The third estate were the *gebur* or household ser-

vants, who formed a numerous class, and were destitute of all civil privileges: these latter were in all probability the descendants of the British population and of such Saxons as had lost their liberty through debt, or had been taken in war. The bishop alone had power to interfere in their behalf by regulating the amount of work to be done, and seeing that they were not injured or ill-treated by their masters; but the serfs were bound to the land, and were transferable with their wives and children, like the horses or cattle which the farm maintained.

The influence of public meetings on the progress of civilisation cannot be too highly estimated, especially where such are the principal means accessible for the interchange of opinion; and to this source may, in a considerable degree, be referred the freedom of the Saxon administration. We have already spoken of the hundred and county courts, with their system of frank-pledge; the witenagemote still remains to be considered. As we approach later times, the Saxon institutions, which originally had but a slight impress of democratical sentiment, gradually become still more aristocratic: among the Old Saxons of the continent there was a regulated system of elective representatives, including even those of the servile class;* but at the time when the scirgerefa or ealdorman ceased to be elected, the witenagemote became permanent; members were then summoned by the king's writ, and met regularly, like our House of Lords. In this assembly the commons had no share whatever, direct or indirect. "Nothing," says Lord Brougham, "can be more manifest than that there was neither actual nor virtual representation in its structure; and that neither the lesser freeholders attended the witenagemote in person, nor the burghers either personally or by deputy."† The assembly of the witan, or wisemen, as the Saxon term implies, possessed extraordinary powers: they could elect or depose the king, and had a right to consider every important transaction, whether public or private; their house formed a high court of judicature, to which all difficult matters were referred; new laws were promulgated with their sanction; and they had a voice in all treaties of peace, and transactions with foreign powers. With the exception of the Danegeld, we find no mention of taxes imposed by the authority of the witan; customs, however, were levied at the outports, and tolls at fairs, by the sole order of the king; but whether these exactions were constitutional or innovations, cannot at this distance of time be determined. Before the union of the Heptarchy each state had its witenagemote, and many of the lesser freeholders and inferior clergy attended in person.

* Pertz. Monum., ii. 361. Kemble, ii. 231.

† British Constitution, p. 12.

The judicial proceedings were extremely simple; every offence was expiable by fine, and the law protected the life and limbs of every citizen by a scale adjusted to his rank in the state. Thus the *were* of a ceorl or "twihændman," as he was named, was 200 shillings, while that of an earl or "twelfhændman" was 1200, and that of the king six times as much as that of the earl: but as circumstantial evidence was not admitted in the Saxon courts on account of its complex character, every cause was decided on oath or by the ordeal: if a man was accused of a crime, it was customary for him to affirm his innocence on oath, and to bring forward as his "compurgators" a number of his relatives and neighbours who might swear to their belief of the truth of his assertion or the general respectability of his character. But it was not in all cases that compurgation was permitted. When the heinousness of the offence and the evidence of guilt were so thoroughly established as to preclude all doubt, the accused could not clear himself by adducing persons to swear to the general integrity of his character; in such cases the legal proceedings took a different form. It was no longer a matter to be determined by the credibility of witnesses, or the validity of the oath of the accuser against the oaths of the accused and his compurgators, but a matter of fact to be determined by direct evidence. The prosecutor indeed swore to the truth of the charge, and in some instances was supported by a number of his friends, who gave evidence of his competence to judge of the facts which he related; but the accused was obliged to submit to the ordeal, in order that the equity of his sentence might be determined by the judgment of God. There were also other exceptionable cases in which antecedent probability was suffered to exercise a material influence. If the accused were known to be a man of disorderly conduct, or on a previous occasion had been convicted of perjury, his oath was not available; while a theof or villein, unless his master appeared for him, was excluded from the privilege of compurgation. In such cases the ordeal was the necessary resort; but even it could not be appealed to until the delinquent had taken an oath that he was innocent in the sight of the law (*mid folcriht unscyldig*), and then he was permitted to make his choice of the three forms of the ordeal,—either to carry a pound of red-hot iron for a certain distance, to take a stone out of a boiling cauldron, or to swallow the corsnaed, or accursed morsel, with the imprecation, that if guilty the bread might choke him. It was under this imprecation that Godwin, the powerful earl of Kent, is said to have expired whilst sitting at the royal table. But the ordeal was merely a test, not the punishment of the offence: if, after three days, no mark appeared on the hand of the accused, he was acquitted,—otherwise he was sentenced to

undergo the full penalties of the law. Wager of battle, which under certain circumstances permitted the accused to challenge his accuser to single combat, is sometimes added to the list of Saxon ordeals; but as no instances are recorded until after the Conquest, this form of trial was more probably introduced by the Normans, when it continued to hold a conspicuous place in our legal history until finally abolished by statute in 1818. In the decision of the courts, the veracity of the witnesses was estimated by their rank, so that the oath of a king's thane was accounted equal to that of six ceorls, and this aristocratic tendency is observable throughout the whole of the Saxon institutions.

As to the existence of feudal tenures before the Conquest, the reader must be left to form his own conclusions. On this much-vexed question no satisfactory opinion has been arrived at; certain it is that the incidents of military tenure, as known on the continent, did not exist, but the main principles of the system were as familiar prior to that event as afterwards. In one important instance, indeed, the Saxon government was more feudal than that introduced by the Conqueror, who required unconditional allegiance from all, both tenants *in capite* and their vassals, whereas in the Saxon times the right of the lord was always reserved, and the sub-tenant justified in bearing arms against his sovereign in defence of his immediate lord. The lands were generally divided into folcland and bocland, answering to the crown lands and the freehold grants as at present exemplified in our colonies. The folcland was the common, to which all the people had a right, and the bocland that which had been granted to individuals for their own perpetual use: much doubt, however, exists on this important question. Mr. Kemble, in his *Codex Diplomaticus*, defines folcland as the general property of the nation—the *terra fiscalis*,—beneficiary, or which might be granted out in fief, in contradistinction to allodial possessions: the king, with the consent of his proceres, might grant it out as alod, but hardly without their consent; while Grimm, no less an authority in matters of antiquarian research, seems to consider folcland as the pure alod,—bocland as the fief. With this conflicting evidence, it is difficult to offer any decided opinion as to the exact distinction of folcland and bocland; but so much appears certain, that the bocland, at least in England, enjoyed a superior advantage; for there exists a charter of king Ethelberht, dated in A.D. 858, exchanging a certain portion of folcland for an equal portion of bocland with one of his comites: he then gave the exchanged folcland all the privileges of bocland, and proceeded to make the bocland he had received in exchange folcland. The whole of the Saxon lands were subject to the payment of three rates, *trinoda necessitas*; the one for the repair of

roads and bridges, another for the keeping of the royal fortresses, and a third for the military defence of the country: from these payments the church lands were not exempt. The inferior clergy were amenable to the civil courts. Some have supposed that the Anglo-Saxon church was free from the errors of Rome; this, however is a mistaken view; for the Saxons received their Christianity not through the medium of the Britons, but from Rome, and their ecclesiastical writings bear testimony that there was no dearth of false miracles and pious frauds. Pilgrimages and penance supplied the place of a more vital religion; while gifts to the church atoned for every violation of the moral law. In the tenth century the mania for church endowments had arrived at so high a pitch as to have impoverished both the crown and the people; and when William gained the victory at Hastings, no less than one-tenth of the whole property of England was in the hands of the clergy. But this undue influence of the church, which would justly have been regarded at a later period as intolerable, was in the early ages of Christianity rather productive of happiness than otherwise. The exchange from the rude maxims of savage life to the supremacy of intellect was certainly desirable, even though occasionally the clergy may have sometimes perverted it to their own selfish ends.

In the Saxon times, the civil power was administered by men whose natural genius supplied the place of acquired knowledge, and who seldom, if ever, were able to read the grants and edicts they had promulgated. In such a state of society, the ascendancy of the sacerdotal order was the legitimate and natural elevation of cultivated intellect. "The priests, with all their faults, were by far the wisest portion of society; they alone had studied history, philosophy, and public law, and it was therefore well that they should be respected and obeyed."* Even the ceremonies and superstitions of the Romish church were so interwoven with the philosophy and mythology of the classic world, that those who embraced her faith were naturally led to study the laws and sciences of imperial Rome. The Gothic runes were abandoned for the Roman character; the laws were committed to writing; the subterranean granaries were superseded, and other arts of civilised life were introduced. In a word, learning and science followed in the train of Christianity.

It must not be supposed from this sketch of the Saxon institutions that our ancestors enjoyed the same free constitution as ourselves. They were to a great extent a rude and ignorant people, possessing none of the luxuries and but few of the conve-

* Macaulay, History of England, vol. i. chap. i. p. 47.

niences of life; their government was as imperfect and unsettled as their manners; the system of representation was unknown, and only those freeholders had any influence in the witenagemote who attended in their proper persons; nevertheless, they undoubtedly possessed the elements of a free constitution, perhaps in a greater degree than any other people in a similar state of civilisation. We should be sorry to say with Lord Camden, that "there never was a time when a single blade of grass within the realm was unrepresented," yet we may safely affirm that the power of the sovereign was never absolute.

The Saxon Chronicle, the works of Gildas and Nennius, Beda's Ecclesiastical History, Asser, and Alfred the Great, are the principal authorities from which we gain our information of the history of the Saxons after their settlement in England; but the remains of the Anglo-Saxon laws,* and the Codex Diplomaticus *Ævi Saxonici*,† which is a collection of ancient grants and charters, give us a truer insight into the actual workings of the government and the real state of society than the direct histories of the time. Of these latter, the Saxon Chronicle perhaps deserves the first place; it commences with the landing of the Saxons, and appears to have been continued, in the abbey of Peterborough, at successive periods, until the reign of Henry II.: it is remarkable for the truthfulness and impartiality of most of its statements, and appears to have been compiled by Saxon monks who had a natural sympathy with the people. The Ecclesiastical History of Beda was written in the eighth century, and contains much valuable information on the Saxon history from the earliest times, principally derived from sources which are now lost. The Saxons were distinguished for many men of real learning and genius, who have left a lasting name in the annals of European literature. Gildas is the earliest British author whose works have come down to us: his History of Britain was written in the sixth century, and is principally valuable on account of its antiquity. He was followed in order of time by Columbanus, a native of Scotland, who was educated in the famous monastery of Iona, and afterwards founded the abbey of Luxeville, in France.

Aldhelm, the learned bishop of Sherborne, was a scholar of considerable eminence, and the first Anglo-Saxon who wrote Latin with elegance. Alfred the Great styles him the best of the Saxon poets.

In the eighth century lived Beda, a man of extraordinary diligence and great acquirements. He refused the offers of

* Collected and published by the Record Commission, 1840.

† Collected and published by Mr. Kemble for the English Hist. Soc.

the pontiff to repair to Rome, preferring to spend his time in the humble monastery of Jarrow, near the mouth of the Tyne, where he devoted his leisure hours to study, and the composition of several works on history and divinity. The fame of his learning, even in those barbarous times, spread from England throughout the Christian world, and the pope sent to consult him on the affairs of the church: in all, he is said to have written 150 treatises and letters, many of which have come down to us, but the principal work, and that for which he is best known, is the Ecclesiastical History of England; it commences with the invasion of Julius Cæsar, and comes down to the year 723. In itself the work appears nothing extraordinary, but when it is considered with what difficulty authentic information could be procured, and the wide period over which it extends, it is a monument of diligence and research; and although most of the sources from which it was compiled are now lost, the simplicity and antecedent probability of its statements entitle them to general acceptance. "The death of Beda," says William of Malmesbury, "was fatal to learning, and particularly to history, insomuch that it may be said that almost all knowledge of past events was buried in the same grave with him, and hath continued in that condition even to our times."

Some few years after the death of Beda, in 735, flourished the eminent scholar Alcuin, abbot of Canterbury; he was acquainted with the Hebrew, Greek, and Latin tongues—rare acquirements in those days,—and had read many of the ancient treatises on mathematics and natural philosophy. Being sent on an embassy by Offa, king of Mercia, to the Emperor Charlemagne, he was induced by that illustrious prince to remain at the court, and become his preceptor. At his earnest request, Charlemagne founded the University of Paris, which he opened in the royal palace, and other colleges at Tours, Fulden, and Soissons, for the education of the Frankish youth. Wearied with court life, Alcuin requested and obtained the government of St. Martin's abbey, at Tours, where he composed several works on philosophy and divinity. He repeatedly declined the imperial solicitations to return to court, alleging his preference of a learned leisure, and died at Tours in A.D. 804.

The next eminent scholar of English birth was Johannes Scotus, surnamed Erigena, a native of Ayr, in Scotland, who, finding no opportunities of prosecuting his studies on account of the continued incursions of the Danes, determined to visit Constantinople, then the chief seat of learning in Europe: here he acquired so great a proficiency in logic and ancient literature, that on his return, in the middle of the ninth century, he is said

to have had no rival in philosophy, and no equal in languages. His work, which excited universal interest, was a treatise "On the Nature of Things:" in this book Johannes Scotus displayed an acuteness and metaphysical subtlety previously unknown, and for which the world was not prepared. The mode of reasoning which he introduced, while it tended to refine and enlarge the powers of language, gave vigour at the same time to that system of polemics and perverted logic which for five centuries absorbed the powers of the human mind, and closed men's eyes to the true study of nature.

Under the auspicious reign of Alfred, learning revived for a transient period, mainly owing to the personal energies of that gifted prince. In his leisure hours, Alfred translated the works of Beda, Boethius's Consolations of Philosophy, and portions of the New Testament, besides founding the University of Oxford and numerous schools. All these efforts were unavailing to stay the progress of ignorance, which was spreading like night over the continent of Europe. For two centuries all learning disappeared from England; and many of the bishops signed their names with a cross, after the manner of the Saxon kings. However, the manufacture of glass was introduced, and the English learned to build their churches of stone; but as far as our knowledge extends, these edifices were low and mean, and not to be compared with the beautiful structures of a later century; while in the working of metals the Anglo-Saxons had always excelled.

It must not be supposed that the computations of money which were made in pounds, mancuses, shillings, pennies, half-pennies, and farthings represent the actual coin in circulation: the three first were only monies of account: the pound was estimated either *ad numerum* or *ad pensum*, by number or weight, while the shilling in the Saxon times consisted of five-pence,* and after the Conquest of twelve-pence. The penny was the only coin known in England till long after the date of the Domesday book, in which it is usually called "denarius;" but in a few instances *nummi* occur for *denarii*; and pennies of different denominations, as the penny of Rouen, were in frequent circulation in the Conqueror's time. The obolus, or half-penny, and the feorthling, or farthing, were literally fractions or broken pieces of the penny. Parcels of ancient coins are seldom discovered without containing some specimens of these fractions, and the cross which is found impressed on the obverse of the early coins appears to have been intended to facilitate the breaking of the silver. The styca, or minuta, as it is called in the

* Wilkins's Anglo-Saxon Laws, p. 415; Ellis's Introduction to Domesday, p. 167.

Domesday Survey, was of brass, and was the lowest coin in circulation amongst the Saxons, being valued at about a farthing and a half of our money ; but the comparison of the weight of metal in the ancient coins with our own is of little value, for in the Saxon times the precious metals were more scarce than they are at present, and money having no definite value but what it acquires by means of exchange, is itself measured by the commodities it will procure ; and when tried by this standard, the Saxon penny was considerably more valuable than our shilling. Besides the uncertainty of ascertaining the true weight, the amount of alloy was a matter of more serious difficulty. At the time of the Conquest the “tellers of the exchequer” kept a fire constantly burning, that “if they liked not of the alloy of the money, they burnt it, and then weighed it ;” sixpence or a shilling in every twenty being allowed for actual combustion. Added to the difficulty of intercommunication and the low state of the arts, this want of a standard coinage was a serious drawback to the early development of commerce. The reigns of Alfred, Edgar, Canute, and Edward the Confessor, are alone worthy of mention as periods in which national industry may be said to have flourished.



Costume of the Normans.

CHAPTER V.

WILLIAM I. (THE CONQUEROR). A.D. 1066—1087.

Events subsequent to the battle of Hastings—Promise of an equitable administration—Causes of contention—Saxon revolt—Energetic measures of William—Norman spoliation—War of independence—Departure of the Danish fleet, and defeat of the Saxons—Causes conducive to the Conquest—Character of William—Feudal militia—Conversion of allodial into feudal tenures—Execution of Waltheof—Subjugation of the country—Individual assassination—Presentment of Englishry—Domesday Book—The Saxons excluded from political privileges—Exorbitant power of the crown—Constitutional effects of the Conquest—Feudal system—Preservation of justice—Norman parliaments—Causes of the union of the nobles and the people—Anglo-Norman constitution—Death of William—Advantages derived from the Conquest.

IMMEDIATELY on receiving intelligence of Harold's death, the citizens of London proclaimed Edgar Atheling, and a general assembly of the nobles met to consult on the affairs of the realm. England, however, was at this time remarkably deficient in great men, and the Saxon councils wanted both energy and decision: no vigorous measures were taken for repelling the invader, and when William appeared before the walls of London, the English were taken by surprise. Nevertheless the citizens closed their gates and prepared to stand a siege, on which William considered it most prudent to retire to Wallingford, and afterwards to Berkhamstead, that he might intercept the supplies from the North, where the vast countries under the government of Edwin and Morcar still retained their warlike attitude; while his next step was to lay waste the surrounding country, that the city might be compelled to surrender for want of provisions. Edwin and Morcar, seeing no means of retrieving the lost fortunes of their country, retired to the North, while Archbishop Stigand and a deputation from the citizens and clergy waited on the Conqueror and proffered to him the vacant crown, stipulating only for their ancient laws and privileges. William accepted their submission, and appointed Christmas-day for his coronation; but London was even at this early period a wealthy and powerful city, and the Normans did not consider it safe to enter until a strong fortress had been erected, which now forms part of the Tower of London, to command the city.

All things proceeded quietly, and a vast concourse of people, English as well as Normans, assembled to witness the ceremony at Westminster Abbey. When the archbishops of Constance and of York demanded of the assembled people whether they would receive William for their king, a loud cry of assent arose from all parts of the building, which, however, was mistaken by those without for a cry of alarm: the utmost confusion prevailed,—all rushed from the building, the English to save their property and the Normans to plunder, and some of the houses adjoining the abbey were fired. Meanwhile the king and the priests proceeded with the ceremony, and when it was completed, William took the oath to govern the English people as they had been governed by the best of their native kings.

What might have been the character of William's government, had all things proceeded amicably, it may be difficult at this distance of time to determine; but certain it is that at the commencement of his reign the king showed a laudable desire to gain the goodwill of his native subjects: he confirmed the leading nobility in the possession of their estates, and conferred many offices of state on those whom the common dictates of prudence would have led him to distrust, had he contemplated any gross violations of the Saxon liberties. The ancient laws and the mode of administering justice were strictly preserved, and it is even asserted by some historians, that William at this time endeavoured to acquire the English language, that he might the better understand the wishes of the people.

But the very sense of conquest produced an indomitable resentment in the minds of a free people, who had never submitted to the yoke of a conqueror, and the different genius of the two nations still further removed any probability of their amicable union. The Normans, haughty, tyrannical, and proud, were looked upon by the English as foreigners and usurpers, while the very first act of the government was highly unpopular. William confiscated the estates of those who had fallen at Hastings, affecting to treat them as traitors: this, which was no act of tyranny according to the Norman institutions, was looked upon by the Saxons in a far different light; they regarded those brave men as the defenders of their country's cause, and could not but consider the partition of their estates amongst the Norman favourites as an intolerable act of oppression. William's departure to the continent gave these discontents time to ripen, and the cruel and arbitrary prelate whom he left at the head of affairs drove the people to exasperation by new impositions. The flames of rebellion spread, and the whole country rose in arms; but the people wanted generals to lead them, and castles to sustain their revolt,

while the energy and alacrity of their enemies disconcerted all their measures.

William, hearing of the storm which was threatening, hastened from the continent, and by liberal promises and timely condescension detached the Londoners from the popular party; he then invited the Saxon nobles to his court, and professed to repose in them the utmost confidence. But this disaffection had taught William to mistrust his English subjects, and he determined henceforth to treat them as a conquered nation. Having divided the energies of his enemies, he led his army, which was now partially composed of English, against the men of Devon and Cornwall, who had openly appeared in arms, and when Exeter was taken by assault, he divided the lands amongst the victors. In the North a more formidable coalition had been formed by Edwin and Morcar with Malcolm of Scotland and the Welsh princes, who promised their aid to restore Edgar Atheling to the throne; and in the conquered provinces a secret plan is said to have been formed for a massacre of the Normans, similar to that of the Danes in the reign of Ethelred. Perceiving his danger, William marched northwards before the allies had time to assemble their forces, and devastated the whole country in his passage, in order to strike terror into the inhabitants: the towns of Oxford, Leicester, and Derby were burnt, and the Normans for the first time crossed the Humber, A.D. 1068, where they encountered the combined army under Edgar Atheling. The Saxons were again defeated, and those who fled to York were besieged within its walls. York was then the second city of the kingdom, and the stronghold of the Saxon cause: William therefore levelled it with the ground, and erected on its site two strong fortresses to overawe the surrounding country.

The slender ties which had previously preserved the rights and title of the inhabitants were now dissolved, and acts of oppression and spoliation became of daily occurrence. "William," says the historian of Malmesbury, "bearing in mind the evil effects of the mild government of Canute, which had ended in the entire expulsion of the Danes, determined to secure his conquest by riveting such fetters that the English would no longer have it in their power to resist;" and with this design he determined to enforce the rigours of the feudal system.

But the war of independence was not yet over. The inhabitants of the Danelagh still retained much of their ancient ferocity, and continued to solicit the aid of their Danish and Norwegian kinsmen. William, on his part, sent rich presents to Sweyn, king of Denmark, to induce him to remain at peace; but the entreaties of his subjects finally prevailed, and the king was compelled to equip

a fleet of two hundred and forty sail, which anchored in the Humber at the commencement of autumn. Experience had taught the people that the Norman was not to be compared with the Danish rule, and everywhere the English rose to join their standard. Edgar, Edwin, and Morcar hastened from Scotland, and the united forces advanced to the assault of the Norman castles, which were taken, and their garrisons sent prisoners to the Danish fleet. But William, taking advantage of the winter season, which prevented military operations, sent an embassy to the court of Denmark, and by large promises of money induced the king of Denmark to recall his forces at the end of winter. The English, now deserted by their allies, were unable to maintain the offensive against the disciplined forces of the Normans, and the whole country from the Humber to the Tees was reduced by the avenging Conqueror to one vast desert.

To be convinced of the wide-spread devastation which followed the Conquest, it is only necessary to compare the condition of England, as recorded in Domesday Book, in the time of Edward the Confessor, with that of William I.: the city of Oxford, which had formerly contained 721 inhabited houses, was reduced in the latter period to 243; York had fallen from 1007 to 967; and the same was the case with Durham, Lincoln, and Derby; all the large towns had suffered more or less severely, and the rural districts had been equally devastated. It is impossible to determine the exact amount of depopulation, but it must have been fearful, since in Northumbria alone 100,000 persons perished of famine, and in the South an equal number were driven from their homes and families by the formation of the New Forest, which covered a space of fifty miles in circuit: numerous chases and parks were planted in every part of the realm, and the inhabitants driven out to perish. Such deeds of barbarity scarcely meet with a parallel in history, and can alone be equalled by the sanguinary laws which were made to guard the game; "if any man kill an hart or hind," says the Saxon Chronicle, "him shall men blind:" but the very severity of the forest laws was in after-times instrumental in accelerating the progress of true liberty, by uniting the nobles and the people in a common cause.

The want of a successor to the throne, and the weak reign of Edward the Confessor, which had thrown the whole power of the nation into the hands of the nobles, can alone account for that want of national spirit which permitted William to accomplish so complete a subjugation. It is useless to suppose that the Saxons did not consider themselves a conquered people; no nation ever wore more completely the badge of servitude; and however we may blame the arbitrary measures of William, we cannot but confess

that under given circumstances he took the most effectual means of securing the victory he had gained: he was not, as many historians have misrepresented him, a cruel and bloody tyrant, but a cold and calculating statesman, frequently regardless of justice and human suffering in the accomplishment of his designs, and in the innovations on the Saxon constitution we trace as many marks of his individual will as of the superior rigours of the feudal system. Feudalism was to him but the means of establishing despotic authority, and whenever it offered any opposition to his will, he violated it as he had done the Saxon institutions. By requiring the fealty of the vassal as well as of the tenant *in capite*, William virtually annulled the vital principle of feudalism and rendered the crown absolute: this was the grand design of his life, and so effectually did he accomplish it, that not only the vanquished but the victors were equally subjected to his control; hence arose the after-freedom of the English constitution.

It was this exorbitant power of the crown which in the 12th and 13th centuries united every order of the state in those strenuous efforts to resist its encroachments, which under the Plantagenet princes laid the foundation of the existing constitution, on the broad basis of a balance of power. Such was the effect of the Conquest; for had not this event intervened, it is more than probable that the English administration would at this day have borne a nearer resemblance to the forms of government so long prevalent in Scotland, Sweden, and Denmark,—countries whence the Anglo-Saxons came.

“It is at the era of the Conquest,” says De Lolme, “that we are to look for the real foundation of the English constitution; then a new order of things originated—the ancient fabric of the Saxon legislation was subverted—the former occupiers of the land exterminated or expelled, and the feudal system of government established in England; even the laws and modes of legal process which survived the Conquest must be regarded rather as modifications of the Anglo-Norman constitution than as the restoration of the Saxon government, considering that the public power in England continued in the same channel in which the Conquest had placed it.”

All England now submitted to the conqueror, and William commenced that system of universal transfer of landed property which in a few years entirely changed the aspect of the country; feudal castles sprang up on every domain, and the whole surface of the island was divided into 60,000 military fiefs, which were lavishly bestowed on his Norman followers. The few Saxons who still retained possession of their lands gladly sought shelter under the protection of the king or some powerful baron, and by the twentieth year of his reign the whole of the allodial lands were

converted into feudal tenures. The English nobility, however arbitrary may have been some of the acts of the Conqueror, do not appear to have been indiscriminately deprived of their lands without some pretext or excuse. Waltheof, one of the richest of the Saxon nobles, retained possession of his estates till 1075, when, taking part with the earls of Hereford and Norfolk in the famous rebellion of the Normans against the Conqueror, he was executed at Winchester, and his lands confiscated to the crown. By this time, so universal had become the hatred of the native English to the military tyranny of William, that the whole of the higher classes had either perished in battle or fallen by the sentence of military tribunals; many had fled to Scotland, and many more to the East, where, under the command of Siward, the brave earl of Gloucester, they entered the service of the Emperor of the East, and for many years defended Constantinople against the power of the caliphs. Others took to the woods, or joined Hereward in the fens of Lincolnshire and Cambridgeshire, whence they issued and attacked the Normans on the highways, and plundered those who had submitted to them; while the mass of the people bowed to the servitude they were unable to avoid. Failing in a generous resistance, the English now commenced a system of individual assassination; and whenever a Norman was overtaken, unarmed, he was set upon and slain. As the people sympathised in the deed, there was no means of bringing the offender to punishment; and William was obliged to institute a special law for the protection of the Normans, called "the presentment of Englishry." By this law it was enacted that in every hundred where a murder was committed by an unknown hand, a jury should be empannelled to determine whether the murdered man were of Norman or Saxon extraction; if of the former, the whole hundred was severely fined;—and this stringent measure was finally successful; every one was interested in preventing that for which every one was responsible, but in the reign of Henry II. this court finally disappeared.

The better to facilitate the entire feudalisation of the country, William directed commissioners to make a general survey of the kingdom, its extent, its proprietors, their tenures, and the value of their lands; the quantity of meadow, pasture, wood, and arable land in each district, with the number of tenants, cottagers, and servants residing upon the farms. From this invaluable record of antiquity, which is still preserved in the court of the exchequer, we derive more real information as to the actual condition of the country, both before and after the Conquest, than from any contemporary histories of the time. Its pages record, perhaps, the most universal transfer of landed property

which any government has ever effected, not absolutely founding its title upon conquest; indeed, in some counties so universal was the change, that not a single Englishman was left in possession of an entire manor; the smaller freeholder, however, suffered less severely, and many of the subtenants improved their condition. If we may rely on the estimates of Dahlmann, there were 250,000 landholders, exclusive of 8,000 greater feudatories, in the time of the Conqueror: this would include a large proportion of the population engaged in husbandry, when we consider that the whole population of England at this time did not exceed 2,000,000, and of these 25,000 were in a state of actual bondage. The "tenants in free socage," as they were called, formed a numerous and influential class, and in after-times came to exert the most important influence on the constitution: tenure by knight-service was the most honourable, but the old English socage was exempt from many of the feudal burdens, and in process of time came to be considered little inferior to the tenants *in capite*.

With the loss of their territorial possessions, the English were excluded from all political privileges, even the door of the church being closed against them. In 1071, Pope Alexander II. sent three legates to assist William in depriving the prelates and abbots of Saxon birth, who were driven from their livings, and their place supplied by foreigners. Stigand was deprived of Canterbury, and that see given to Lanfranc, a native of Lombardy; while Thomas, the king's chaplain, was appointed to the vacant see of York, and the rest of the bishoprics soon followed the fate of York and Canterbury. The English language was superseded in the courts of law, and all public documents were from this time written in either French or Latin, which had remained the sole mediums of communication until the reign of Edward III. There is, however, no sufficient ground for supposing that this change of idiom was inflicted by the Conqueror as a permanent badge of servitude, with the hopes of ultimately abolishing the English language; for nothing could be more natural than that the pleadings should be conducted in French, when most of the members of the king's court were Normans, and the teaching of French in the public schools enabled the people to carry their suits before the highest tribunals: the proceedings of the hundred and county courts were still conducted in Saxon, and many of the laws were published in the native idiom.

Amongst most rude nations the execution of the laws is entrusted to the king or his deputy, even if the legislative functions require the assent of the people; but with the Anglo-Saxons it was different,—they attached more importance to the executive than to the legislative functions. The king, attended occasionally only by

twenty or thirty of his nobles, might enact a law, while it required the assembly of the freemen to put it in execution: this secured to the people a large share in their internal administration; and the frequent infringement of this popular right of trial by their peers, under our early Norman kings, called forth those loud demands for the restoration of the good laws of Edward the Confessor, by which the people intended not so much the laws themselves, which were little superior to those under which they were governed, as the popular administration of them. The Saxon custom of administering the laws in the open court by the voice of the freemen, though often grievously infringed and overruled, survived the effects of the Conquest, and stood the grand bulwark of English freedom, alike secure from tyranny and corruption, until finally absorbed in our present system of juries in the reign of Henry II., when itinerant justices were appointed to decide the law, while the verdict still rested with the court.

When William divided England into 60,215 knights' fees, he reserved to himself the proprietorship of the soil; the barons who held by main tenure were no more than immediate tenants of the crown, and were obliged, on pain of forfeiture, to take up arms and repair to the royal standard on the first signal. "William subjected," says De Lolme, "not only the common people, but even the barons, to all the rigours of the feudal government; he even imposed on them his tyrannical forest laws. He assumed the prerogative of imposing taxes. He invested himself with the whole executive power of government. But what was of the greatest consequence, he arrogated to himself the most extensive judicial power, by the establishment of the court which was called *aula regis*, a formidable tribunal, which received appeals from all the courts of the barons, and decided in the last resort, on the estates, honour, and lives of the barons themselves; and which, being wholly composed of the great officers of the crown, removable at the king's pleasure, and having the king himself for president, kept the first noblemen in the kingdom under the same control as the meanest subject.

"Thus, while the kingdom of France, in consequence of the slow and gradual formation of the feudal government, found itself, in the issue, composed of a number of parts simply placed by each other, and without any reciprocal adherence, the kingdom of England, on the contrary, from the sudden and violent introduction of the same system, became a compound of parts united by the strongest ties; and the regal authority, by the pressure of its immense weight, consolidated the whole into one compact, indissoluble body.

"To this difference in the original constitution of France and

England, that is, in the original power of their kings, we are to attribute the difference, so little analogous to its original cause, of their present constitutions." *

Besides the vast feudal militia of 60,000 men which William could bring into the field on any emergency, he constantly retained in pay an army of mercenary troops, as the barons were not always sufficiently obsequious to his will. The retention of a military force always adds to the power of the crown, and the smallness of the English fiefs, together with the enmity of race, but, above all, the possession of vast continental dominions, enabled the Norman princes to overcome all resistance; and it was not till after the loss of these possessions that any symptoms of a national spirit again revived. The same causes which operated in England, subjected Normandy to the yoke, and by a capricious change of fortune, the Normans were brought over to conquer England, and the English carried back to conquer Normandy.

On the continent the barons felt the pressure of the crown, and revolted against the tyranny of William, who, upon this, levied an army of English, and soon reduced his rebellious subjects to subjection: such was the extinction of all appearance of liberty in the two countries; and we cannot but sympathise with the barons of John, who refused to aid him in the recovery of his continental dominions.

When the German nations took possession of the Roman provinces, they divided the whole of the lands into allotments or estates, called fiefs, which were held by military tenure, in imitation of the Roman colonies of veterans, who, in the latter days of the Empire, were located on its borders to defend the provinces from the incursions of the barbarians: situated in the midst of an hostile population, some such regulation was absolutely necessary to maintain amongst the conquerors a unity of action; and companionship in arms, which had formed the grand cement of society in the forests of Germany, thus became the main principle of the new organisation.

The Teuton freemen who settled on the newly acquired lands brought with them their notions of individual freedom, and exercised over their own dominions the power of independent princes, owning but a military subjection to their chiefs, who were regarded as the most powerful of the barons. As the baron owed allegiance to the king, so the tenant owed fealty to his superior lord; and to such an extent was this system of subinfeudation carried that the vassal was justified in bearing arms in defence of his immediate lord, even against his sovereign. This military character of the feudal governments was at once the strength and the weakness of

* De Lolme, on the English Constitution.

the monarchies of the Middle Ages. By the spirit of self-reliance and individual action it introduced, it inspired new vigour into the languishing provinces of the Roman empire, and dispelled those notions of absolute power which had led the Romanised inhabitants to submit to the most cruel of tyrants; while the exorbitant power it threw into the hands of the inferior nobility gave scope to a spirit of private warfare, which devastated some of the fairest provinces of Europe, and reduced the mass of the people to the condition of serfs.

The same authority which the king had over his barons was possessed by them over their vassals, who held their lands by a similar tenure. In all the countries of Europe, certain duties, called the incidents of feudal tenure, were attached to the holding of a fief; the principal of these were, military service, aids, and reliefs. For every knight's fee the baron was obliged to furnish one knight equipped and mounted, to serve the king at his own charge for forty days; aids and reliefs were payable by the tenants in specified cases,—if the lord was taken prisoner, or required funds for knighting his eldest son and marrying his eldest daughter, the vassals were then required to assess themselves for this purpose. Primer seisin was an increased relief paid by the heir of a tenant *in capite* before receiving seisin of his lands.

In addition to these ordinary dues, the Norman sovereigns succeeded in imposing two additional burdens, wardship and marriage, which were peculiar to England and Normandy, and were the subject of a long contention between the crown and the nobles: the king, by his title as guardian in chivalry, claimed the right of disposing of the heir and his lands during his minority, for the profits of which he was unaccountable. In wardship, the consent of the superior lord was requisite for the marriage of a female vassal, and this power was distorted into the right of disposing of the ward in marriage: when the king was in want of money he would frequently offer the ward and her lands to the highest bidder, and on his or her refusing to consummate the marriage, a sum was due to the crown equal to the value of the marriage, that is, what any one would have given for the same. The infinite abuse to which these exorbitant powers were liable may easily be conceived; and it seems wonderful how they continued to exert their baneful influence so long after the feudal system itself had disappeared. Under the Plantagenet and Tudor princes the court of wards and liveries was one of the most oppressive prerogatives of the crown, and was only swept away by the famous statute of Charles II.

The most scandalous, however, of all the abuses of the Anglo-Norman government was the open sale of justice. "It was no un-

common occurrence," says Lord Lyttleton, "for the king to receive bribes from two opposite parties to facilitate or retard the progress of a suit; men were fined for the king's goodwill, or that he would remit his anger, to have justice done them, to enter on the lands they had recovered at law, or even for permission to eat (*licentia comedendi*)."^{*} William was not, however, so venal as many of his successors who bear a fairer name in history; he possessed many noble qualities, which deserve honourable mention,—he confirmed the laws of Edward the Confessor, and sanctioned the administration of justice in the hundred and county courts, the grand bulwark of English liberty; but the influence of the nobles, who had the right of imposing tallages on their own towns and domains, greatly diminished the direct efficacy of the public courts, by overruling the judgments of the free tenants: the officers too of the towns, who in the Saxon times had been elected by the people, were now little more than the menial servants of some powerful noble, whose will was law.* This violation of civil justice was perhaps the severest shock to the Saxon institutions, and, venal as it was, the power of the crown was looked up to by the people as the guardian of private rights against the capricious will of the nobles, and many were the suitors who carried their suit into the king's court (*curia regis*), notwithstanding its difficulty and expense. The people naturally expected but little from the interference of the national council, which was for the most part composed of Norman nobles and clergy, who were very unlikely to pay attention to the complaints of the Saxon population, much less to afford them any effectual redress. The powers of the national council, or, as it was now called, parliament, underwent but little modification at the Conquest: its members were summoned as formerly to advise the king on all important measures, and all new laws were enacted by its authority and consent; but the personal influence of the members, and their title to sit in parliament, had greatly altered; the

* The question of municipal institutions under the Anglo-Saxon line of sovereigns has never been satisfactorily determined. Hallam ("Middle Ages," ii. 153) says, "The burgesses frequently enjoyed special privileges as to inheritance; and in two or three instances they seem to have possessed common property, belonging to a guild or corporation; but never, as far as appears by any evidence, had they a municipal administration by magistrates of their own choice." However this may be, it is certain that the towns were not subjected to the arbitrary tallages and feudal jurisdiction under which they groaned during the Anglo-Norman period; and, as far as our scanty information extends, the condition of the inhabitants appears not to have differed much from that of the unprivileged towns of the fifteenth and sixteenth centuries, and were administered either by the *gerefa* or borough-reeves, who were under the direct control of the governor of the province.

nobles and clergy, who in the Saxon times were required to attend, had been invariably nominated by the king, and in subsequent witenagemotes took their seats like our House of Lords, without any further summons; but now the barons sat in their own right as military tenants of the crown, the eldest son succeeding to the possessions of his father, according to the rule of primogeniture, a custom which had been introduced at the Conquest.

These causes gave the parliament a power and influence which the Saxon assemblies had never possessed, and would at once have been sufficient to have restrained the exorbitant power of the crown, had not the want of sympathy in the people, and the conflicting interests of class, in a great measure counterbalanced the legitimate power of parliament. Although the principle of representation was unknown, yet the commons were not entirely excluded from a voice in the deliberations of this assembly. All the inferior tenants of the crown were entitled to sit personally in parliament with the barons, and were summoned either by special writ or by the sheriff of the county, as appears by the clause of the great charter, which states expressly that all military tenants of the crown had a right to be consulted; but the lesser feudatories seldom availed themselves of this privilege, as the expense of travelling and the difficulty of quitting their farms caused their personal attendance rather to be considered as a feudal burden than a substantial advantage. In these early times the more usual mode of influencing the executive was by a general rising; and hence the necessity of conciliating the people, in case matters should be pushed to the extremity of a civil war. Notwithstanding the enmity of race, the nobles were thus induced to extend to their tenantry the same privileges which they themselves demanded of the king, and in this manner a general mitigation of the feudal oppressions extended to every rank of society.

In France and Germany it was different: in these countries, owing to the weakness of the regal power, the nobles extorted from their kings exclusive and oppressive privileges; the whole weight of the public burdens fell on those least able to support them. The burgesses and cultivators of the soil in France, while they paid the whole of the taxes, were excluded from all social and political privileges; even the position of office, or marriage with noble families, was denied them: and when the day of retribution at last arrived, and the Great Revolution overthrew the whole structure of society, it is scarcely to be wondered at that the fury of the oppressed for so many ages found vent in deeds of blood and acts of violence towards those who had so long and so cruelly trampled upon them.

In England, it was the power of the crown which secured the freedom of the people; and strange as it may seem, we cannot avoid the conclusion, that the very causes which established the arbitrary government of William laid the foundation of our civil liberties, by uniting every grade of society in those vigorous efforts which, a century later, wrung from the hands of a reluctant tyrant the provisions of the Magna Charta. Such were the adventitious circumstances in the English constitution; and we look with wonder at the intricate and almost mysterious causes which produced so magnificent a result.

The latter years of William's reign were disturbed by the revolt of his children: Robert, his eldest son, claimed the investiture of Normandy, which had been promised to him, and which he thought himself entitled to demand; the king refused to accede to his wish, and Robert flew to the continent, and engaged the king of France in some ineffectual endeavours to seize on Normandy by force. The Danes, thinking to take advantage of these domestic disturbances, had been preparing to invade England, but were disconcerted by the prudent measures of William: their king, blinded by English gold, did everything in his power to retard the expedition; and when his army saw that the season was passed and nothing had been accomplished, a general mutiny broke out, in which the king was slain. Thus ended the last attempt which the warriors of the North made to renew their conquest of England. While under medical treatment at Rouen, the king was stung by a sarcasm of Philip, levelled against his personal infirmities. In revenge of this insult, he entered the territory of the Vexin, and devastated the whole country with fire and sword. Whilst riding through the burning ruins of Mantes, his horse trod on some hot embers, and rearing, bruised the king against the pommel of the saddle, and inflicted the injury of which he died. Thus ended one of the most remarkable reigns in history.

William possessed inexhaustible energy: his maxims of administration were severe, but enforced with consummate policy; and to the political principle which guided his actions, England is indebted for the unanimity which consolidated her population, and subjected the whole to one uniform government. "To the feudal system," says Dahlmann, "by which Germany is divided, England is mainly indebted for its unity; for here was effected at once, and to the advantage of the whole, that which, in Germany, was the work of centuries." The advantages of the feudal system, though perhaps outbalanced by the immediate suffering which it brought upon the nation, were real and substantial. The Normans, if not superior in social virtues

to the native English, who, be it remembered, are represented to us as degraded and barbarous, certainly excelled them in that exterior polish and taste for refinement and magnificence which, if it does not ennoble, at least tends to elevate a people. Learning revived, and the introduction of a more vigilant police restrained, the lawlessness of robbery and the feuds of private revenge, which the Saxon administration had in vain sought to repress. So profound was the tranquillity induced by the rigour of William's reign, that, in the graphic language of the Saxon Chronicle, a girl laden with gold might have traversed the breadth of England. Perhaps, however, the greatest blessing which England derived from the Conquest, was the security from invasion on the side of Denmark and Norway: the military prowess of William and his sons, and the existence of a feudal militia, deprived the Northmen of any hopes of success, and prevented the recurrence of those fearful ravages which had swept England in the eighth and ninth centuries. The foreign possessions of the barons created a greater intercourse with the continent, and consequently an improvement in navigation and commerce. Architecture and the fine arts were cultivated to an unprecedented extent, and the erection of more substantial dwellings wrought a permanent improvement in the physical condition of the people.

CHAPTER VI.

FROM THE ACCESSION OF WILLIAM RUFUS TO THE DEATH
OF STEPHEN. 1087—1154.

William II.—Norman interest—Influence of the church beneficial in early times—Annexation of Normandy—Character of William II.—Improvement in the physical aspect of the country—Henry I.—Uncertainty of the royal succession favourable to liberty—Charter of Henry I.—Henry's marriage with the Saxon princess Matilda—Antipathy to a female succession—Stephen—Elective character of the English monarchy—Rival claims of Stephen and Matilda—Baronial wars—Battle of the Standard—Henry II.—Union of the Norman and Saxon claims in his person—Evils of Stephen's reign—Review of the Anglo-Norman period—Influence of the Saxon institutions—Important change produced by the Conquest—English language—Predisposing causes to liberty in the character of the Teutonic and German nations—Increased intercourse with the continent—Growth of parliamentary influence—Beneficial operations of the power of the crown—France an absolute monarchy—Revival of the national spirit under the Plantagenets.

WILLIAM, although the youngest son of the Conqueror, was by a concurrence of favourable circumstances placed on the English throne. The revolt of his elder brother Robert had never been entirely forgiven by his father, who left him only the possession of Normandy, which he inherited of right; the English people, too, bore a strong antipathy to Robert on account of his foreign birth and education, while William had been brought up amongst them, under the tutelage of Archbishop Lanfranc. As soon as William had gained possession of the royal treasures, Lanfranc called a council of the prelates and nobles whom he knew to be favourable to William, and without hesitation crowned him king at Westminster on the 26th of September. The barons, however, who remained in Normandy, and many of those in England, strenuously opposed the separation of the two countries; they saw it would deprive them of some of their fairest possessions, since the ambition of the rival princes rendered it impossible to serve them both, and they would necessarily be obliged to resign either their English or their Norman possessions. Amongst those who stood foremost in the cause of Robert were the earl of Mortaigne and Bishop Odo, the king's uncles, who held the important fortresses of Pevensey and Rochester. William, finding himself deserted by the Norman interest, determined to appeal to the English, whom he courted by the promise of a mild adminis-

tration, and who were only too ready to engage in any attempt which might gratify their hostility to their Norman oppressors. As the fleet, which was manned by English sailors, prevented the arrival of foreign succours, the castles were speedily reduced, and William granted to his uncles their lives on condition that they should quit the realm.

The whole kingdom having submitted to William, peace was soon after concluded between the two brothers, Robert promising to relinquish his title to England on condition that William should not interfere in the affairs of Normandy; and it was further agreed that if either of the princes died without issue, the other should succeed to his dominions. The English, who had been mainly instrumental in securing to William his throne, experienced no alleviation of their condition: as soon as the danger was past, the king forgot his promises, and exacted intolerable fines, besides retaining possession of the church lands. This latter violation of justice was especially galling to the Saxon population; they regarded the liberties of the church as their own—for beneath her sacred garb many of their number had found shelter from the tyranny of their Norman oppressors; and that which in a later age might cause serious alarm—the overwhelming influence of the church—was at this early period the barrier of the people's liberties. For many ages, when every other avenue of preferment was closed, the church was open to all; those who sought honour or power might, under her tutelary direction, ascend the hazardous pathway. The man of noble birth, when once within her precincts, was on no better footing than the son of the peasant or the humble *roturier* he had to contend with in the forum, where, for the most part, learning and piety were the sole titles to honour: the conquerors and the conquered were alike admitted to her sanctuary; even the serf and the bondman found some alleviation of their burdens; and through the universal mist of ignorance and oppression, her benign influence was felt as the great leveller of race and caste. It was not till the sixteenth century that Catholicism identified herself with the divine right of kings: in the middle ages, her prelates were mostly the champions of the people's cause; and while we blame the selfishness of the Romish church, we must not overlook the important ends which her influence accomplished in the progress of civilisation.

Urged by his ambition, William sought every means to deprive his brother of his Norman possessions; but the continued disturbances of the Welsh, and the incursions of Malcolm, king of Scotland, who lost his life in one of these frays, for a time delayed his projects: an unexpected event, however, placed Normandy in his hands without the hazard of a regular campaign. Duke Robert,

who was an ardent and thoughtless prince, had been so struck with the grand preparations making throughout Europe for the rescue of the Holy Sepulchre, that laying aside all considerations of personal interest, he had taken the cross, and thought of nothing but procuring funds to enable him to appear in the gallant array in a style equal to his rank and noble birth. With this view he mortgaged to William his dukedom of Normandy for 10,000 marks, a large sum in those days, which the English king raised by laying exorbitant contributions on the kingdoms, and when the people could supply no more, the churches and monasteries were stripped of their plate to make up the deficiency. Thus, all the dominions of the Conqueror were again united under one sceptre.

In his government, William was a tyrannical and arbitrary prince, who ruled more by the impulses of passion than by any known system of law; however, he neither wanted courage nor ability to sustain his power, and the despotism of his authority had the effect of keeping the kingdom in peaceable submission. The enthusiasm which the preaching of Peter the Hermit had inspired was converted by him to the aggrandisement of the crown; he had already purchased Normandy, and was treating with the duke of Guienne and Poitou for the transfer of his dominions, when the completion of the compact was suddenly interrupted by his death. As he was hunting one day in the New Forest, an arrow, shot by an unknown hand, pierced his breast, and he fell lifeless to the ground. In the evening, as some peasants were passing through the forest, they found the bleeding body of the king, and laying it across a cart, conveyed it to the nearest town. At the time it was generally believed that the king had been accidentally shot by a French knight named Walter Tyrrell, who, fearing the consequences of the deed, took shipping and embarked for the Holy Land: this was the popular story, but it rests on no solid foundation; and many years afterwards, when Tyrrell could have had nothing to have hoped or feared from the confession of the fact, he persevered in the assertion that on the day of his departure he was perfectly unconscious that the king was hunting in the New Forest. The manner of the king's death alone is certain; the agent and the motive (if such there were) must for ever remain unknown.

Tyrannical as were the measures of the Anglo-Norman kings, an important series of improvements commenced from this time, which changed the physical aspect of the country: the rivers which had previously been crossed by ferries were now spanned by bridges; new roads were cut in every direction, and the castles and churches were built of stone. In the reign of William II.

some of the stateliest monuments of Norman architecture were reared: the wooden bridge over the Thames at London, rebuilt of stone, the White Tower, and Westminster Hall, speak favourably of the improvements which were made during this reign.

HENRY I. (BEAUCLERC). A.D. 1100—1135.

On the death of William, the English throne would legitimately have descended to his elder brother Duke Robert, who had highly distinguished himself against the Saracens; but his absence at this critical moment in Apulia, gave Henry his younger brother an opportunity of seizing on the royal treasures. By means of these he gained the support of a considerable party of the nobility, and the same prejudices still operated with the people which had originally excluded Robert from the throne on the death of his father.

Speaking according to modern notions, all the immediate successors of the Conqueror were usurpers, and this very circumstance led them to court the favour of the people, and eventually to abridge their own authority, by granting various charters of liberty. This is especially observable in the reign of Henry I. Normandy then remained faithful to Duke Robert, and many of the nobles opposed the separation of the two countries, and supported his cause: it was therefore evident to Henry, that on the return of his brother he would be compelled to contend for his crown; and with this prospect, he took all ordinary precautions, and further endeavoured to increase his popularity by granting a charter to the English barons, which considerably mitigated the severity of the feudal system, and alleviated the condition of the Saxon population. So important was this concession considered by Sir Henry Spelman, that he styles it "the origin of King John's Magna Charta, containing most of the articles of it, either particularly expressed or in general, under the confirmation it gives to the laws of Edward the Confessor." The opinion of so great an authority in matters of antiquity is certainly deserving of all deference; still it would seem that Spelman has overrated its importance, considering that the two grand provisions of Magna Charta, security from personal arrest and inviolability of private rights, are not to be found in its clauses. Notwithstanding these defects, the charter of Henry was certainly an important advance, and secured the military tenants of the crown from some of the worst burdens of the feudal system; but its greatest value as a remedial measure was the precedent it afforded to the nobles in pressing their claims on the crown, and

in the reign of John we shall see it referred to as an evidence of the people's liberties.

In the early part of his reign, Henry paid especial attention to the administration of justice; and with the view of uniting more firmly the Saxon population to his cause, proposed a marriage with the Saxon princess Matilda. Matilda was the daughter of Malcolm, king of Scotland, and Margaret, the sister of Edgar Atheling; her early days had been spent in the abbey of Rumsey, where she had occasionally worn the veil, but, as was afterwards proved, had never taken the vows. This circumstance occasioned some religious scruples, and a council of prelates was summoned to consider the lawfulness of the marriage. On its being urged that many of the Saxon ladies had worn the veil merely as a protection from the insults of the Norman soldiery, Archbishop Anselm decided that Matilda was free to marry; and, having completed the ceremony, crowned her queen, to the great joy of the people, who regarded this event as a return to their ancient line of princes.

Thus were united the conflicting claims of the Saxon and Norman lines, and in the person of Henry II. England received a king who traced his lineage from the illustrious Alfred. As for Edgar Atheling, he relinquished all pretensions to the crown, and enjoyed a quiet and secluded life, sometimes at the court of the Scottish king, and at other times in Normandy with Duke Robert, who entertained a sincere regard for his personal bravery and generous disposition. With affected liberality, the Conqueror and his sons never attempted to restrain the freedom of their Saxon rival, and even granted him an honourable maintenance; as the imbecility of the Saxon prince excluded all fears of a successful rivalry, while his presence prevented other claimants from entering the field. It was therefore a matter of policy with William to permit his personal freedom, as the readiest means of securing the obedience of the Saxon population. Whilst on his return to Normandy, Duke Robert received intelligence of his brother's death and the usurpation of Henry. Hastening with all speed to Normandy, he prepared a powerful army and landed in England, where he was joined by many of the barons, but the English supported the cause of Henry; and when the two armies met, they were so equally balanced, that neither party would risk an engagement. It was finally concluded that Duke Robert should relinquish his title to England for a pension of 3,000 marks, and that each prince should grant an unconditional pardon to the adherents of the other. But nothing less than the possession of Normandy could satisfy the ambition of Henry, and, after a few years, a pretext was found for renewing the war. Some of the barons of Duke Robert complained of his

lax government, and solicited the interference of Henry, who gladly embraced this opportunity of commencing hostilities: he demanded of his brother that he should deliver up Normandy to him, and should retain the title of duke without interfering in the actual government of the province. Robert naturally refused to listen to this demand, and Henry embarked an English army for the conquest of Normandy. The brothers met beneath the walls of the ancient fortress of Tenchebrai; the Normans made a furious onset, but were repulsed by the troops of Henry, who closed upon their retreat. Robert was made prisoner with 400 knights and 10,000 men at arms, amongst whom was Edgar Atheling, but Henry, with a degree of magnanimity uncommon in those times, restored him to his liberty, while, if the popular story tell true, he confined his brother in Cardiff Castle, and, in accordance with the barbarous practice of the age, deprived him of sight. The remainder of Henry's reign would apparently have passed in tranquillity, had not an untoward circumstance occurred which marred all his future happiness. Having no enemy to resist, he had carried over his only son, Prince William, to receive the fealty of the Norman barons, and as they were returning from Normandy, the ship in which the prince was conveyed struck upon a rock, and all were lost except Berold of Rouen, who escaped by clinging to the mast. The king is said to have taken this melancholy disaster so much to heart that he was never afterwards seen to smile. The catastrophe did not only affect the royal family,—many of the youthful nobility had accompanied the prince, and there was scarcely a noble family in England which had not lost some friend or relative in the wreck of the “*Blanche Nef*.”

Henry now directed his attention to opposing the pretensions of his nephew William, the youthful son of Duke Robert. Having no legitimate heir, the king was fearful lest this enterprising youth would supplant his daughter Matilda, who was excluded from inheriting the kingdom by the terms of the Salic law, then supposed to have force in England. Matilda had been first married to Henry V. of Germany, and on his decease to Geoffrey Plantagenet, eldest son of the duke of Anjou; by which latter marriage she had several children. Her father so far overcame the scruples of the barons in her favour, as to prevail on them to swear fealty to her and her infant children. This step was soon after followed by the premature death of Prince William. However, the haughty bearing and reserved manners of the Princess Matilda gave general dissatisfaction to the people, and in addition to the uncertainty of a female succession, Henry had taken an imprudent step, which effectually excluded Matilda from the throne.

On the death of his nephew he invited to his court the sons of the count of Blois, who were related to the royal family of England by their mother Adela, the fourth daughter of the Conqueror. Henry, the eldest, was invested with the bishopric of Winchester, and his brother Stephen married the heiress of the count of Boulogne, with whom he acquired many large estates both in England and Normandy: his affability of manners made him a favourite with the king, while his generosity of character gained him the friendship of the nobility and the respect of the people. Such a favourable opportunity was not to be lost, and Stephen silently determined to lay claim to the throne. Things were in this state when Henry died suddenly in Normandy, leaving the whole of his dominions to Matilda; but, owing to the backwardness of the nobles to acknowledge her title, and the energetic measures of her rival Stephen, the throne was occupied almost before she was aware, and her husband the count of Anjou was glad to accept a truce for two years, with a pension of five thousand marks.

Henry Beauclerc, as he is named by the monkish historians, on account of his learning, was a monarch of superior abilities, and throughout the whole of his reign manifested the advantages of the superior education he had received. Being a younger son of the Conqueror, in his youth he had been intended for the church, and was, consequently, instructed both in philosophy and the ancient languages, in those days rare accomplishments for a prince. His energetic resistance of the encroachments of Rome, and his zeal for the execution of justice, when it did not thwart his own ends, have rendered him a greater favourite with historians than most of the sovereigns of his period. "A good man," says the Saxon Chronicle, "was he, and mickle dread was there of him: peace made he for man and beast; whoso bare his burden of gold and silver, no man durst say to him aught but good." But in the exercise of power Henry was arbitrary and tyrannical, and exacted unheard-of tallages from his people: so far from observing the pledges he had given at the commencement of his reign, he arbitrarily augmented the severity of the forest laws, and appears to have entirely forgotten the provisions of the charter he had granted. Considerable progress, however, had been made in the material comforts of the people, and there is reason to believe, notwithstanding the various cruelties by which it was disgraced, that his reign was, on the whole, favourable to the growth of liberty.

STEPHEN. A.D. 1135—1154.

Henry I. had scarcely breathed his last, when Stephen, perceiving the opportune moment, hastened to the shore and embarked for England. The little regard which had been paid to the right of succession during the last hundred years rendered the people not very scrupulous in admitting his title; and, as far as we can judge of the feeling of the national mind, it is probable they considered the departure from the elder branch as more than counterbalanced by its superiority to a female succession. Indeed, the whole course of history leads us to infer that the elective character of the English monarchy was preserved under the Norman princes until the time of Edward I., and though most of the immediate successors of the Conqueror were usurpers according to our present notions, there is no reason to suppose that they were so considered in their own times. The right of the people to have a voice in the election of their princes appears to have been admitted even by the most powerful of the Norman princes, and it was this persuasion which made Henry I. so anxious that the barons should swear fealty to his daughter during his lifetime. It was only when the English law became fixed under the three first Plantagenets, that the stricter rules of private inheritance were applied to the crown, and lawyers began to consider the throne in the nature of a vested right; then, indeed, a new order of things commenced, and the whole subject of prerogative was brought under discussion. As far as we can trace back the records of antiquity, Edward I. was the first prince who succeeded immediately on his father's death, without waiting for the formal sanction of an election.

This fact is worthy of observation, as it clears up many of the anomalies of our early history, and throws a new light on the transactions of Stephen's reign. Stephen was regarded by the Saxon population and the inhabitants of the towns as the lawful sovereign, while the barons and greater feudatories, who entertained stricter notions of primogeniture, preferred the title of Matilda; and hence arose that desultory warfare which disturbed the whole of his reign. Some of the nobles even refused to take the oath of allegiance, except under such conditions as left them the opportunity of revolt whenever they might think fit; while others extorted the concession of fortifying their castles, which they filled with mercenary troops; but the partisans of Stephen, who may be styled the national party, were too numerous to admit of an open demonstration, and for some time Matilda was obliged to waive her claim. In the interval her friends exerted

themselves in secretly undermining the popularity of the new king, by preventing the operation of the laws; for although brave and generous, Stephen wanted the energy of character which alone could repress the turbulent spirit of the age, or carry him with success through the thorny paths which beset his road. The insecurity of his throne became every day more apparent, and in order to conciliate the barons, he granted a charter of privileges similar to that of Henry I. The evil, however, was not to be cured by the enactment of new laws: it required the operation of those already in existence; and by degrees the people became discontented and restless. In the midst of this disorganisation, David, king of Scotland, whose father Malcolm Caenmore had married the sister of Henry I., espoused the cause of his niece Matilda, and made a formidable incursion into the heart of England, while Robert, earl of Gloucester, the brother of the empress, accompanied her from France with a numerous army. The Scots were defeated at the famous battle of the Standard, in which their king was slain; but the troops of Matilda were more fortunate, and Stephen was surprised and taken prisoner at the battle of Lincoln. The war was now apparently at an end; Matilda was proclaimed in London, and the unfortunate Stephen committed to the dark recesses of a dungeon. But the haughty and capricious temper of the queen soon alienated the hearts even of those who had been foremost in her cause, and a widespread defection drove her from the throne. A series of romantic incidents followed, in which the valiant earl of Gloucester figures as the principal personage: but in 1147 his unexpected death put an end to Matilda's prospects of ambition, and she quitted for ever the shores of England.

Stephen was restored, but the horrors of anarchy continued; the barons, exempt from the power of the law, carried on a series of private wars, and the miserable inhabitants were exposed to the most fearful ravages: the fields were uncultivated, and the towns deserted; the king of Scots seized on the north-western counties of Cumberland and Westmoreland, and the Welsh invaded the marches of England with impunity. The royal revenues had dwindled down to £3,000 a year, and the crown lands were occupied by the rebellious nobles. But without enlarging on the horrors of the civil war, we shall proceed at once to the conclusion of Stephen's reign, since these events produced no permanent alteration in the constitution.

At this juncture appeared Henry, the son of Matilda, a youth of great promise, who at the age of sixteen displayed the powers and understanding of maturer years. Impatient of signalling himself in a field where he had so glorious an interest to contend for, he passed through England with a large retinue, in order to

visit the court of his great-uncle, the king of Scots, who had promised to invest him with the order of knighthood,—a ceremony considered, in those days of chivalry, indispensable to the profession of arms. The appearance of young Henry raised the hopes of his party in England, and on returning to Normandy his mother invested him with the government of that province. Anjou he had inherited in the right of his father, and his marriage with Eleanor, the heiress of Guienne and Poitou, the divorced wife of Louis the Young, brought to him a considerable acquisition of territory. His dominions now extended from the shores of the British channel to the foot of the Pyrenees, including more than a third of France. Possessed of these extensive dominions, he determined to assert his right to the throne of his grandfather Henry I., and landing in England with a small but disciplined army, he was joined by many of the barons. The towns which refused to acknowledge his title were taken by assault, and he was preparing to terminate the struggle by a decisive engagement, when the death of Stephen's eldest son, Eustace, changed the aspect of affairs. The barons openly declared it unjust that the whole nation should suffer on account of the ambition of two princes, and proposed that Stephen and Henry should come to a conference. It was arranged that Stephen should continue to enjoy the throne, but that he should adopt Henry as his heir, and that his only surviving son, Prince William, should inherit his patrimonial estates, and relinquish his claim to the crown.

These conditions formed the basis of a definitive treaty, which soon after passed into effect by the death of the king, and the peaceable accesssion of Henry Plantagenet to the throne of his ancestors. Thus ends what may be emphatically termed the period of the Conquest; for Henry inherited the crown as the representative of the ancient family of Cerdic; and during his reign the distinction of English and Norman ceased to exist as a barrier to civil rights.

As a prince, Stephen was brave, generous, and affable, but the chequered scenes of his reign afforded no opportunity for the display of the milder virtues, which only added to the evils which a vigorous hand ought to have repressed. During the silence of the law, the worst of human passions prevailed, and the barbarities which the rival barons inflicted on the industrious inhabitants are beyond the powers of history to depict, and cannot better be described than in the simple but expressive language of the Chronicle. "In this king's time was all dissension and evil and rapine, for against him soon arose the rich men who were traitors. When they found that he was a mild man, and soft, and good, and did no justice (execution), then did they do all wonders.

They had done him homage, and sworn oaths, but they held no truth; they were all forsworn, and heeded not their troth; for every rich man built his castles, and they held them against him, and they filled the land full of castles. They sorely oppressed the wretched men of the land with castle-works, and when the castles were made, they filled them with devils and evil men; then took they the men that they weened had any goods, both by night and by day, peasant men and women, and put them in prison for their gold and silver, and tortured them with tortures not to be told, for never were any martyrs so tortured as they were. Some they hung up by the feet and smoked them with foul smoke; some they hung up by the thumbs or by the head, and hung coats of mail at their feet; to some they put knotted strings round their head, and twisted them till it went to the brains; they put them into dungeons where there were adders and snakes and toads, and killed them so; some they put in the crucet-house, that is, in a chest that was short and narrow, and not deep, and put sharp stones in it, and forced the man in and so broke all his limbs. In many of the castles were things loathly and grim, that were called sachenteges, of which two or three men had enough to do to carry one that was so made, that is, fastened to a beam, and they put a sharp iron about the man's throat and neck, that he might on no side sit or lie or sleep, but bear all that iron. Many hundreds did they kill with hunger. I cannot, and may not, tell all the wounds and all the pains that they gave to the wretched men in this land; and this lasted the nineteen winters that Stephen was king, and still grew worse and worse. They constantly laid guild on the towns, and called it "tensezie," and when the wretched men had no more to give, then they plundered and burned all the towns, that well thou mightest go a whole day's journey and never shouldst thou find a man sitting in a town, nor the land tilled. Then was corn dear, and flesh and cheese and butter, for none was there in the land; wretched men starved of hunger. Some had recourse to alms who once were rich men, and some fled out of the land. Never yet was there more wretchedness in the land, nor ever did heathen men worse than they did; for, after a time, they spared neither church nor churchyard, but took all the goods that were therein, and then burned the church and all together; neither did they spare a bishop's land, or an abbot's, or a priest's, but plundered both monks and clerks, and every man who was able another. If two or three men came riding to a town, all the township fled for them, concluding them to be robbers. The bishops and learned men cursed them continually, but the effect thereof was nothing to them, for they were all accursed, and forsworn, and abandoned.

To till the ground was to plough the sea; the earth bare no corn—for the land was all laid waste by such deeds; and they said openly that Christ slept, and His saints. Such things, and more than we can say, suffered we nineteen winters for our sins.”

This fearful picture of the horrors of Stephen's reign is no visionary dream of the imagination, but the sober fact of history, written by a chronicler who actually witnessed the scenes which he describes. The contemplation of such barbarities may be painful, but they enable us the more correctly to appreciate the abuses of the feudal system, and the vast advances which were made in the cause of humanity during the succeeding reigns of the Plantagenet kings.

Before bringing this period of our history to a close, it will be requisite to make a few observations on the leading characteristics of the age. The Norman Conquest was an event of momentous importance in its bearings on the practical working of the English constitution, and ought therefore to be regarded rather in its ulterior than its immediate consequences.

An opinion has too often been entertained that the conquest of William swept away the Saxon institutions, and substituted in their stead a foreign discipline. Nothing is more erroneous than this idea. The forms of the hundred and county courts, the national council, the system of local administration, and the laws of Edward the Confessor, all survived that event, and entered largely into the basis of the new administration. “These excellent tribunals of the Saxon age,” observes Mr. Hallam, when speaking of the reign of William I., “kept within very narrow limits that great support of the feudal aristocracy, the right of territorial jurisdiction. Except in the counties palatine, the feudal courts possessed a very trifling degree of jurisdiction over civil, and not a very extensive one over criminal causes.”* Nevertheless, the conquest of William certainly produced many great and lasting changes: the conversion of allodial into feudal tenures, the substitution of entail for the equal partition of lands, the almost total transfer of landed property, the change of the hierarchy, the development of the feudal system, the separation of the ecclesiastical from the civil jurisdiction, and finally the institution of the supreme court, called *curia regis*, all these may be referred to the immediate operation of the Conquest, and have left their permanent traces in the origin of our present aristocracy,—the system of large holdings in contradistinction to the *petite culture* of Germany and France, and the spirit as well as the forms of our legal administration.

To this event some would also refer the change in the English language; but if we investigate more closely the process by which

* Hallam's Middle Ages, ii. p. 100.

the Saxon was converted into the modern English, we shall find that the introduction of a French element but little influenced the operation of a wider law. In Denmark and Holland, where no foreign conquest intervened to interrupt the natural development of the language, a similar modification was effected by the rejection of grammatical inflexions, and the substitution of simpler forms. The same indeed is the case with every language in its transition from an ancient to a modern idiom, and consequently we can ascribe to the influence of the Conquest no more than a freer introduction of Latin words through the medium of the French.

Were we to apply the same scrutinising analysis to the principles of government, we should find that many of the modifications we are apt to refer to accidental circumstances may better be explained by a more general law. In England, Sweden, Denmark, Holland, and the United States, where the predisposing causes to liberty were very different, although local circumstances have doubtless operated widely, yet in all we recognise the same great principle—"impatience of restraint." In all these countries, peopled by the descendants of the Scandinavian and Teutonic races, a spirit of self-reliance and individual action has maintained a purity and independence of public administration incompatible with the exercise of arbitrary power; we should therefore be cautious in attributing to local causes what may belong more properly to the innate genius of the race. When the prince of Roman historians sixteen hundred years ago delivered his criterion of the German nations, it was their moral command and innate love of liberty which drew forth the reluctant admission, that their barbarian hordes would one day come to occupy the Roman lands. If his penetrating mind had not discerned in their infant institutions the vital sparks of liberty, what could have led Tacitus to have singled out the Germans from the many barbarous tribes who then harassed the frontiers of the Roman empire?

When the Conquest subjected England to a foreign yoke, a new spirit was infused into the national industry. Previous to this event, the Saxons had taken but little part in the affairs of the continent; they were pre-eminently an agricultural people, and had either neglected or forgotten their ancient love of maritime enterprise; but this event produced a great change in the line of national policy,—the country assumed a more military aspect and the Norman possessions brought our kings into immediate connection with the continental states. This increased intercourse with foreign countries was certainly advantageous, although much of the English blood and treasure was expended in fruitless and unprofitable wars; but the main advantage England derived from the Conquest, was security from invasion on the side of Denmark

and Norway, and improvement in the arts and refinements of life; learning revived, and a spirit of adventure was beneficially united with the sober and staid character of the native population. It is, however, exceedingly problematical whether the inhabitants of those days received any compensating advantages for the injuries they sustained. The Conquest was to them fraught with evil; their fields were plundered, their homes desolated, and they cared but little for the superior learning of the clergy, or the skill of the Norman mechanics.

It seems indeed strange to look for the rise of liberal institutions at a time when the princes desolated whole provinces for the pastime of the chase, or swept entire districts of their inhabitants with no other purpose than that of forming a barrier to their conquests,—when they put out the eyes of their nobles and ministers, like Persian or Egyptian sultans, and openly sold justice to the highest bidder: but even in the midst of this unmitigated tyranny there was a hope,—England had a parliament, and it was obstinately tenacious of its rights, although the power of the nobles was not at all times sufficient to make the laws respected. In France, the laws were promulgated by the king to the assembly of the states, but in England the national council always retained its power of deliberating on, and consenting to, the laws which were enacted for the general government. Had the powers which parliament undoubtedly possessed, even at that early time, been strictly and constantly exercised, there would have been at least the semblance of a free constitution; but the guarantees which render its authority effective, the independent right of the members to sit, security for meeting regularly, necessity of being consulted, and general representation, were only acquired by the exertions of our ancestors through that long series of ages during which the constitution became gradually more and more perfect. Till the time of Henry III., the immediate tenants of the crown were the only parties admissible to the national councils, and the limits of parliamentary interference were exceedingly vague and undefined. It would be an error to suppose that England always enjoyed a free because a parliamentary constitution. The Norman princes experienced but little resistance from these forms of liberty, and the security of life and property was not guaranteed by the laws. The utmost we can say is, that the government of England was at no time theoretically absolute; but so wide is the difference between the practical and the theoretical working of the constitution, that in the times of which we are speaking, the power of the English kings was not surpassed by that of any of the absolute monarchies of the continent.

Under the reign of William I. we have before alluded to the arbitrary power which the peculiar circumstances of the Conquest threw into the hands of the Norman princes. Too much stress cannot be laid on this peculiar feature in our history, since to it perhaps, more than to any other single circumstance, England is indebted for the free constitution she at present enjoys. On the continent, the paramount influence of the nobles formed the great counterpoise to the arbitrary exercise of regal authority, but in England, where the violence of conquest had overthrown the balance of existing institutions, the feudal aristocracy were unable to offer any adequate resistance to the king; the consequence was that when the nobles came to require the assistance of the people in their struggles with the crown, it was their policy no less than their interest, to lay aside exclusive privileges and invidious distinctions, and by identifying their interests with those of the mass of the people, to induce the commons to sympathise in the restrictions they wished to impose on the arbitrary exercise of the prerogative; while in France, the people, goaded to exasperation by the oppression of their nobles, who were in a manner independent of the crown, only longed for the day when all should be equally subjected to one omnipotent will, and hailed with satisfaction the annexation of the crown lands under Louis XI., which virtually rendered France an absolute monarchy. This discrepancy in the original formation of two monarchies, in other circumstances so nearly allied, offers perhaps the readiest explanation of that difference of sentiment which is seen to characterise the national feeling of the two countries at the present day; in the former, a jealousy of government interference,—in the latter, a desire of centralisation. The only instances in which the royal prerogative appears to have suffered any abridgment at the Conquest, were in the conversion of the earldoms from temporary to hereditary possessions, and the exemption of the clergy from the ordinary jurisdictions: this latter innovation was only conceded by William as a reward for the willing connivance of the pope and higher clergy in his conquest of England, and soon became the fertile source of contention between the clergy and the crown; and thus originated the protracted struggle between the kings of England and the see of Rome respecting the right of investiture, first brought before our notice by the attempt of Henry II. to enforce the Constitutions of Clarendon.

With the reign of Stephen closes the period which may be emphatically styled the era of the Conquest, and under the milder dominion of the Plantagenet princes, public spirit, which had slept for near a century without evincing a single struggle to testify to the energies of national life, again revived.

CHAPTER VII.

THE HOUSE OF PLANTAGENET.

FROM THE ACCESSION OF HENRY PLANTAGENET TO THE
DEATH OF RICHARD I. A.D. 1154—1199.

Beneficial change produced by the legal title of the Plantagenet princes—Henry II.—Reformation of feudal abuses—Circuits of the judges adverse to the territorial jurisdiction of the aristocracy—Their tendency to preserve the integrity of the common law—Superior code introduced by Henry—Disappearance of the distinction of race—Ecclesiastical abuses—Thomas à Becket—Constitutions of Clarendon—Henry abandons his project of church reform—The Saxons flock to the tomb of Becket—Early history of Ireland—Conquest of Strongbow—Subjection of the Irish church to the see of Rome—Extent of Henry's dominions—He partitions them amongst his children, which disturbs the latter part of his reign—Does penance at the tomb of Becket—Origin of the claims on Scotland—Improvements of Henry's reign—Municipal corporations—Scutage—Restoration of civil rights—Origin of juries—Richard I.—Lavish expenditure on the Crusades—Example of parliamentary interference in punishing the usurpations of Longchamp—Influence of the Crusades on the progress of civilisation—Rise of chivalry and romance.

HENRY II. A.D. 1154—1189.

THE line of princes who commenced with Henry II., though equal in physical energy and perhaps superior in mental endowments to the immediate successors of the Conqueror, succeeded to the throne under very different circumstances. They no longer looked upon England as a conquered country, but as their patrimonial inheritance, and under the genial influence of this salutary change, the lawlessness of might and impetuosity of temper, fostered by a sense of military superiority, silently gave way under the Plantagenets to the acknowledgment of a legal title and a more regulated authority: the people, who had cowered before the power of the Norman princes, now began to look up to their kings as their natural guardians and defenders against the petty tyranny of their immediate lords; while the nobles, on the other hand, no longer indebted for their estates to the immediate gift of the crown, began to assert a freedom and independence of action which could not but clash with the arbitrary exercise of prerogative; and thus commenced the struggle between the crown and the aristocracy, which ended in the

enfranchisement of the people: each party in turn courted the popular favour, and endeavoured to gain the support of the people by liberal concessions; but the more they conceded, the greater was the necessity for progress, and during the reigns of John, Henry III., and Edward I., those broad principles of popular legislation were introduced which laid the foundation of the existing constitution.

But to descend from general principles to the immediate course of history: when the death of Stephen left vacant the English throne, Prince Henry, whose brilliant qualities rendered him in every sense worthy of the high honours which awaited him, entered on his new dominions without the semblance of opposition; even the barons, who had contested the title of Matilda, alleging the prohibitions of the Salic law, raised not a murmur to his accession. Henry's valour had already been displayed by the manner in which he repelled every encroachment on his continental dominions, and his descent (through his grandmother Margaret) from the ancient house of Cerdic gave him a power and authority which no former prince had possessed. As soon as he arrived in London, the people hailed him with shouts of joy, and exulted at his coronation as a return to their ancient line of princes.

Conscious of his popularity, Henry proceeded at once to reform the abuses which had gradually crept into the administration during the long continuance of the civil troubles: the crown lands, which had been lavishly wasted by his predecessor, were reclaimed; the castles built by the partisans of Stephen and Matilda were everywhere levelled to the ground, and the host of foreign mercenaries, who had spread confusion and terror throughout the realm, were expelled. Henry's next care was to restore the ancient courts of justice and remodel the existing laws: finding that the barons exercised too exclusive a power over the ordinary courts, Henry appointed justiciaries who should go circuits throughout the country, and try all criminal causes in the king's name: this was another blow to the territorial jurisdiction of the aristocracy, and timely preserved the common law of England, which otherwise would have been split into a number of local customs, like that of France; for being contained in no written code, but in the traditional practice of the courts, a few centuries would have sufficed to have obscured for ever the integrity of this ancient institution. The importance attached by the people of those days to the county sessions is sufficiently evinced by the annual visitation of the judge being made one of the clauses of the great charter; and we still owe to this invaluable institution "the security which is felt even by the poorest and most remote inhabitant of England,—that his right is weighed by the

same incorrupt and acute understanding upon which the decision of the highest questions is reposed."

The alterations which were effected in the common law during this reign were also of the highest moment, and stamped a permanent character on our entire system of legislation: when we compare, says Madox, in his history of the Exchequer, the codes of the Saxon kings with the laws collected by Glanville, they appear like "the laws of two different nations." The pecuniary compositions for robbery and murder were abolished, the barbarous practice of ordeal was virtually abandoned,* and suits which had formerly been commenced, even before the king, by verbal or written complaint, were now inaugurated by the formal process of a writ, a practice which has since formed the foundation of our civil procedure. Numerous were the differences existing between the Saxon law as then understood, and the Norman code introduced by Henry II., but it will be sufficient to observe, in the language of Hallam, "that while the former resembled the barbaric codes of the continent and the capitularies of Charlemagne and his family, minute to an excess in apportioning punishments, but sparing and indefinite in treating of civil rights, the other, copious, discriminating, and technical, displays the characteristics as well as unfolds the principles of English law."† But, above all, the grand feature of Henry's reign was the disappearance of the generic distinction of English and Norman as separate races. From the time when Morcar perished by the hands of the executioner to the exaltation of Thomas à Becket to the primacy, no person of English birth had been permitted to rise to any eminence in the state; even the door of the church was closed against the unfortunate Saxon.

The wars of Stephen, however, had contributed to throw the ancient customs into desuetude, and when Henry ascended the throne, the union of interests produced a corresponding modification in the internal administration; the presentment of Englishry, which had been instituted by the Conqueror for the exclusive protection of the Normans, became extended to all cases in which a murder was committed by an unknown hand, and the hundred was invariably subjected to a fine. This was the last remnant of that invidious distinction of civil rights which had been introduced at the Conquest, and consequently from this period we may consider England as a united country. But these salutary changes did not extend to ecclesiastical abuses, for the clergy, sheltering themselves under the privileges extorted

* Ordeals were not entirely disused till the commencement of the reign of Henry III.

† Hallam, *Middle Ages*, ii. 122.

from William I., defied the power of the ordinary tribunals, and claimed to be tried by judges of their own order; and as capital punishments were not included within the power of the canon law, the most heinous offences were committed with impunity. Determined to put a stop to this state of insubordination, the king sought to retrench the power of the clergy, and with this view, on the decease of the archbishop of Canterbury, he proffered the vacant see to his favourite minister Thomas à Becket, who had always been an active supporter of the royal prerogative, and on more than one occasion had forced the superior clergy to contribute to the king's exchequer. But Henry was miserably deceived in the character of the man he had chosen to effect these reforms; Becket, whom he had exalted from a humble station to be archbishop of Canterbury, then constable of the Tower, and lastly, chancellor of England, was a man of firm and inflexible disposition, bent solely on his own personal aggrandisement. So long as he had been the minister of the crown, he sacrificed his notions of ecclesiastical supremacy to the favour of his royal master, but when his position was altered, he entirely changed his line of conduct with regard to the church,—he knew that Henry's aim was to humble the pride of the clergy, and consequently informed the king that this appointment would probably cause him to lose his favour; but the king persisted in desiring Becket to accept the office which raised him to the second dignity in the realm. At first, the clergy showed much reluctance to receive as their head a man who had lived in the gaieties of the court, and had joined in the chase and the battle-field; but their scruples were at length overcome, and as soon as Becket was raised to the archiepiscopal chair, he relinquished his former mode of life, and subjected himself to the severest regimen,—his ordinary diet was bread, and water from the spring,—he dressed himself in coarse and unpretending raiment, and was often seen washing the feet of poor monks; his devout appearance and generous reception of the inferior clergy, made him a favourite with the people, and he knew well how to turn this popularity to his own advantage. No sooner had he been installed in his new dignity, than he demanded the immediate restoration of all the temporalities which had been taken from his see since the Conquest, and instituted proceedings against the king's officers for the recovery of church lands. In vain those who held by such tenure pleaded the inheritance of their fathers,—the archbishop replied, that the possessions of Christ could never be alienated; and although highly detrimental to the administration of justice, the immunities claimed by the church were supported by the Saxon population, many of whom had found shelter from oppression beneath the monkish cowl.

Henry had been waiting anxiously for an opportunity to curtail these inordinate pretensions, when an event occurred which appeared most favourable to his views: a priest having violated the daughter of a gentleman, in order to escape detection had murdered her father;—this was the time for Henry to act with decision, when to maintain its immunities the church would be compelled to vindicate the foulest of crimes. The king ordered the offending clerk to be tried by the justices, and, if found guilty, to be executed without benefit of clergy. Becket, however, perceiving the king's design, seized the delinquent, and having deprived him of his holy functions, ordered him to be publicly flogged. So far all had succeeded to the king's wishes, the church had acknowledged the perpetration of the crime, but Henry determined not to let the matter drop. Having convoked an assembly of the nobles and prelates at Clarendon, he laid before them a list of ecclesiastical abuses, and required their assent to certain regulations which placed the clergy under the temporal power. By these regulations, which were termed the "Constitutions of Clarendon," it was enacted, that all churchmen accused of crime should be tried in the civil courts; that ecclesiastical and spiritual appeals should ultimately be referred to the king; that the prelates should contribute to the public expenditure as barons; and that forfeited goods should not be protected in churches. These, with other minor clauses, were agreed to by the clergy, and Becket with reluctance gave his assent; but when they came to be referred to the pope for his confirmation, Alexander III. refused to listen to any such concessions, and threatened to excommunicate all who were concerned either in getting them up or consenting to them. Becket feigned repentance, and humbly begged of the pope to absolve him from his offence; but Henry was not so to be driven from his purpose: finding that moderate measures would not avail, he summoned a parliament to meet at Northampton, in which he caused an impeachment to be preferred against the archbishop of Canterbury for contempt of the royal authority and misappropriation of the funds committed to his charge whilst he held the office of chancellor. Becket pleaded eloquently in his own defence, but the parliament passed upon him a vote of censure as being wanting in the allegiance due to his sovereign, and all his property was confiscated to the crown. This would have been sufficient to have crushed any ordinary mind, but the prelate's courage seemed to grow with his misfortunes, and habiting himself in his pontifical robes, he appeared before the king and placed himself under the protection of the holy see. As he passed through France, Louis, Henry's mortal enemy, received him with every mark of distinction, and on arriving at Rome the pope embraced

him as a brother. With this cordial reception of an outlaw and a fugitive, the king was highly incensed, and prohibited, under the severest penalties, all appeals to the pope or the archbishop of Canterbury; indeed, it is possible that Henry would at this time have cut off all communication with the see of Rome, had not the fearful consequences of an interdict, and the evident disapprobation of his subjects at these violent proceedings, induced him to come to a reconciliation.

Becket was permitted to return, and ecclesiastical matters were left as before the controversy commenced; but a new subject of dispute arose, the temporalities of his see had been sequestered during his absence, and although the king promised that they should be restored, the primate resorted to the most violent means: he excommunicated the archbishop of York and the bishops of London and Salisbury, who had assisted at the coronation of Prince Henry, and made tumultuous progresses through the country. When news of these disturbances reached the king, he fell into a paroxysm of rage, and some hasty words which escaped his lips were construed by the courtiers into a mandate of destruction. Four knights suddenly left the court, and crossing the Channel repaired to Canterbury, where they found the prelate celebrating vespers before the high altar of the cathedral, and without a moment's hesitation they struck him to the ground. This unfortunate catastrophe produced those very effects with regard to the church which the king most wished to avoid; the Saxons flocked to the tomb of Becket as a martyr, and all men considered the king as his murderer; it was with difficulty that Henry could avert the threatened sentence of excommunication, or appease the resentment of the pope. He however contrived to purchase his peace at Rome, and relinquished for the present all further hopes of reforming the abuses of the church.

A new circumstance at this time occurred to draw off the attention of the people from these irritable topics. The Irish, who are said in early times to have preserved a considerable degree of civilisation after the rest of Europe had been involved in darkness by the invasion of the northern hordes, had for a long series of years relapsed into entire barbarism, with the exception of the Scandinavian settlements on the coast, which retained their ancient freedom, and acted as merchants for the rest of the island. These men are known in later history as the Oest, or East-men of the north, and are frequently referred to in ancient story. The Celtic inhabitants of Ireland, who constituted the majority of the population, were divided into a number of petty clans, each under the government of its own chieftain, called *cean-finnay*, who possessed a patriarchal authority. These subdivisions were again

united into six provinces called kingdoms; Leinster, Desmond or South Munster, Thomond or North Munster, Connaught, Ulster, and Meath. This latter province was specially attached to the royal dignity of *Ard-riagh*, which, like that of the *Bretwaldas* amongst the Saxons, implied but a titular sovereignty over the other princes, and was generally elective, although restricted to the same family; for many ages the family of O'Neal had held this dignity, but at the time of the English conquests under Strongbow, it was claimed by the O'Connors as kings of Connaught. In 1167, a prince named Dermot M'Morrogh, king of Leinster, having been expelled by the neighbouring princes for carrying off the wife of O'Ruane, prince of Leitrim, sought shelter at Henry's court, and hoped by offering to hold his kingdom as a fief of the English crown, to secure the assistance of that powerful prince. His views were favourably entertained by the English monarch, who, although too much engaged in his domestic affairs to undertake so distant an enterprise in person, gave permission to the king of Leinster to engage any of his subjects who might be willing to join in the expedition. As soon as the king's authority was given, Richard de Clare, better known by the name of Strongbow, Robert Fitzstephen, and Maurice Fitzgerald, undertook the hazardous enterprise; their united forces scarcely amounted to 2,000 men, but they were brave and devoted, and when Fitzstephen landed at Bannowbay with a small band of 500 men, the city of Wexford capitulated; Waterford and Dublin surrendered after a feeble resistance, and a great part of the country was overrun. The undisciplined Irish nowhere ventured to make a stand, and M'Morrogh openly claimed the sovereignty of the whole island, having secured the co-operation of his English allies by bestowing his only daughter on their valiant commander. Henry, jealous of these successes, which had been won without his personal aid, immediately required all his subjects to return to England by the festival of Easter, under penalty of forfeiture of their estates and goods. The English saw that if they obeyed this injunction, their conquests would be lost; and in this state of uncertainty Strongbow hesitated to obey. The king now put his threat into execution, and the earl hastened with all speed to England, where he prostrated himself at his sovereign's feet, and surrendered the whole of his conquests; the king in return confirmed him in his estates both in England and Ireland, and bestowed on him the title of seneschal, at the same time signifying his intention of visiting in person his Irish possessions. On Henry's arrival, he was received with all the pomp a rude country could afford, and the native princes repaired to his court to tender their submission. The English now commenced the erec-

tion of fortresses and baronial castles, as they had formerly done in England, and prepared to remove thither their families; but Roderic O'Connor, prince of Connaught, and nominal king of Ireland, still declined to acknowledge the sovereignty of the king of England, and it was not till three years later that he submitted to this formality, when, being hard pressed by the barons, he sent a deputation of his nobles into England, who proffered in his name the homage and submission of Ireland. This flattering embassy was highly gratifying to the king, who received the delegates with every mark of distinction in the old palace of Windsor, the favourite residence of the Conqueror. When the ceremony was completed, the king demanded for tribute one-tenth of all the lands of Ireland for the public service, with a due proportion of hawks and hounds for the king's entertainment when he should happen to be in that part of his dominions. The Welsh and English barons who had already located themselves in the territories of Meath, Wexford, Dublin, and Waterford, were confirmed in the possession of their estates, and continued to invite settlers from England to assist in the cultivation and defence of their newly-acquired possessions; for, although sanctioned by the crown, the native princes soon threw off their allegiance and devastated the cultivated lands, which at a later period were known as the English pale. As the price of the confirmation of Henry's title, the pope demanded the subjection of the Irish church to the see of Rome, which, in former times, although not free from the superstitions of the age, had enjoyed a nominal independence, like that of Britain before the mission of Augustine.

Henry was now the most powerful monarch in Europe. In England his wise administration secured him the affections of his subjects, and on the continent he possessed more ample dominions than any of his predecessors. In right of his father he had inherited the rich provinces of Anjou, Touraine, and Maine; in that of his mother, he held Normandy: by his marriage with Eleanor, the divorced queen of Louis VII. of France, he acquired the extensive tracts distinguished by the names of Guienne, Poitou, Saintogne, Auvergne, Perigord, Anjoumois, and the Limosin, to which he soon after added the valuable territory of Brittany, by marrying his son Geoffrey to the infant heiress of that duchy. This last acquisition united the English possessions in the north and south, so that the whole coast of France, from the mouth of the Seine to the foot of the Pyrenees, was under Henry's immediate control,—a larger extent of territory than was possessed by the king of France himself. This period of unexampled prosperity was of short duration, for Henry, conscious of the uncertainty of human affairs, was desirous that his dominions

should be quietly partitioned amongst his children whilst he possessed health and vigour to see his wishes enforced. To his eldest son, Prince Henry, as his immediate successor, he bequeathed his hereditary dominions of England and Normandy; to Richard he gave the possessions of his mother Eleanor, while Geoffrey was invested with the duchy of Brittany in right of his wife, and the new kingdom of Ireland was intended for his favourite son John. But this exaltation of his children embittered the remainder of his life: their mother Eleanor, a haughty and vindictive woman, being offended at the king's attachment for Fair Rosamond, encouraged the young princes to demand of their father the immediate surrender of their respective provinces, and when the king refused to comply with these unreasonable demands, they endeavoured to wrest them from him by force: the sovereigns of France and Scotland, who had long been jealous of Henry's vast acquisitions, zealously supported the young princes in their rebellion, and so far prevailed as to cause many of the nobles to rise in their favour. The king flew to Normandy and everywhere opposed his enemies on the continent with such vigour, that they were glad to sue for a truce at the opportune moment when the king of Scotland had invaded the borders and was devastating the northern counties of England: the storm, which had long been raging in Normandy, extended its baneful influence over England, and the regent De Lacy with difficulty kept the Scots in check, while he defeated the earl of Leicester at the battle of Farnham, in Suffolk, where 10,000 of the Flemings, who had come over to the aid of the rebels, were left dead on the field. The king now saw that his presence was required in England, and leaving his continental dominions to the care of a deputy, he landed at Southampton just as the king of Scots had again crossed the borders at the head of 80,000 of his ferocious subjects. Finding the minds of the people still agitated by the remembrance of Becket's murder, to which they attributed their present misfortunes, Henry determined to allay their fears; and proceeding in solemn procession to the city of Canterbury, he there alighted from his horse, and walked barefoot through the streets till he came to the tomb of the martyr, where, prostrating himself before the altar, he submitted his bare shoulders to be scourged by the monks of the chapter. This act of humiliation restored confidence to the people, and the king was preparing to lead his army in person against the northern invaders, when the news suddenly arrived, that, on the very day on which he had received absolution at the tomb of Becket, the famous justiciary, Ralph de Glanville, had defeated and captured the king of Scots at Alnwick: this event caused universal rejoicing, and entirely

subdued the rebellion in England. Scotland was now reduced to an English fief, and William the Lion was content to surrender the independence of his crown to regain his personal liberty; the fortresses of Berwick and Roxburgh were surrendered as pledges of fidelity; and Henry was again at leisure to return to Normandy, where Louis had laid siege to Rouen. In the short interval of peace which followed the termination of this dispute, Henry turned his attention to the improvement of the laws and police of his kingdom; but the turbulent disposition of his children kept the country in a continued state of anxiety, and he was again involved in a war with France. Henry, his eldest son, had some time previous died of a fever, and Geoffrey, known in England as the *child of perdition*, was killed at a tournament in Paris, leaving his infant son heir to the duchy of Brittany: Henry seized on the province as the grandfather of its future duke, but Louis demanded its surrender as being superior lord of the fief: this dispute occasioned a fierce and protracted war, in which Prince Richard, the heir-apparent to the English throne, took part against his father. Henry, now wearied with age and fatigue, saw his dominions invaded and his dearest hopes blighted; his spirit, which could have surmounted any degree of bodily fatigue, silently gave way beneath the accumulated pressure of his domestic afflictions, and he died of a lingering fever in the 58th year of his age, and the 35th of his reign.

Henry Plantagenet was a monarch who did honour to the English throne, and surpassed all his contemporaries in the valuable qualities of a sovereign: the vastness of his dominions and the varied endowments of his mind would alone have entitled him to a conspicuous place in the annals of history, but his reign is more especially remarkable as a period of great social change: many improvements in literature and the arts were introduced, manufactures and commerce received a powerful stimulus, charters of incorporation were granted to the citizens of London, and other large towns, by which they challenged exemption from every inferior jurisdiction, and were only amenable to the general laws of the realm; arbitrary tallages were exchanged for a fixed rental, and the citizens were secured in the invaluable blessings of self-government. In former times, the towns had been governed by the nobles on whose estates they were situated, and their civil officers were frequently the menial servants of a superior lord: even in the Saxon times the guilds or friburghs had extended only to local combinations for the security of trade or mutual support, and were entirely wanting in the essential element of corporate government, the choice of their own magistrates. We have already alluded to the improvement in the common law, and

the appointment of justices in eyre, which took place in this reign ; but Henry carried these innovations further,—he commuted the military service which was due from the barons for a pecuniary fine, which was employed by the sovereign in paying troops from abroad : both the king and the nobles were equally satisfied with this plan, the king's resources were rendered more effective, and the barons were excused from the necessary hardships of personal service. Whether this policy of employing mercenary troops was beneficial or otherwise may be a matter of speculation, but its immediate consequence was a great relaxation of the feudal system : those who had to collect the tax were not over-scrupulous as to the nature of the tenures, and in process of time, scutage became a general tax on all land for the military service of the crown : companionship in arms, which had formed the cement of the feudal system, was thus silently dissolved, and the territorial army of the Conqueror converted into a general militia for the defence of the realm. With the relaxation of the feudal system, a corresponding change took place in the principles of government ; the English, who had been strictly excluded from all offices in the state since the days of Harold, were admitted into the full enjoyment of their civil rights, and any one who was gifted with learning or wealth found an easy access to power ; even the Normans affected an English air, and joined in the popular clamour for the restoration of the laws of Edward the Confessor, which were supposed to imply an exemption from the abuses of the feudal system.

So far from opposing the growth of these English sentiments, the Plantagenet princes favoured the interference of the people, as the easiest barrier against the encroachments of the nobles, from whom alone, in these early times, they met with any serious resistance. The people were too divided to take an active part in the management of affairs, and the king, by increasing their means of resistance to the power of the nobles, increased his own authority. It was with this view of bringing the administration of justice more immediately in connection with the crown, that Henry instituted the circuit of the judges ; and hence, during the baronial wars of Henry III., the landed aristocracy made such strenuous efforts to prohibit the king's officers from performing their circuits. It must be evident that the change of proceeding in the trial of criminal causes, incident to the appointment of justices in eyre, would produce a corresponding change in the practice of the courts ; the jurymen who had previously administered the law in the county court, now became judges of the facts, sentence being reserved for the king's justiciary.

The high antiquity of juries was formerly maintained by all our constitutional writers : Blackstone styles trial by jury “a

mode of trial that hath been used time out of mind in this nation, and seems to have been coeval with the first civil government thereof;" but later research has shown that while the principles on which it is based extended throughout the whole of the Scandinavian polity, the system itself is of comparatively modern origin. In the ancient tribunals of Scandinavia, some striking points of resemblance may be traced between the functions of our juries and those of the old German witnesses; "indeed," says Mr. Forsyth, "they so far coincided, that it is remarkable that in this country alone that institution was developed from a state of things so nearly similar, while on the continent all traces of the system entirely disappeared." These resemblances were further strengthened by the fortuitous coincidence of the number of compurgators being generally twelve, and their oaths being decisive of the matter in dispute; and hence many historians have inferred that juries were of Saxon origin; but partial coincidences must not be mistaken for complete identity; the Anglo-Saxon compurgators were never called upon to decide on the validity of evidence, but merely to attest the trustworthiness of the party on behalf of whom they appeared, and consequently were analogous to the witnesses of character or *laudatores* of the Roman law, and not to the jurors of modern times. In like manner the "constituted witnesses" only came forward in their capacity of public notaries, to testify their knowledge and acquaintance with the facts they related, and not in any manner to judge of the merits of the case; but the freeholders who assembled in the county court to assist the sheriff, not only determined the suit, but adjudged the penalty of the law; and hence, when the latter function was invested in the presiding judge, the discretionary power alone remained to the freeholders, who still continued to assemble as in former times, and by this simple transition originated our present system of juries.

RICHARD I. (CŒUR DE LION). A.D. 1189—1199.

If we compare the reign of Richard I. with that of his father Henry II., we shall be struck with the influence of the personal character of the prince on the general prosperity of the country. Richard was brave, generous, and enterprising, a knight whose brilliant valour and chivalrous disposition gained the admiration of a romantic age, but whose mental endowments were not of a character either to merit the approbation of the historian, or to sustain the position he has generally held in history. Out of the ten years during which he was king, he spent but a few months in his English dominions.

As soon as he ascended the throne, he summoned round him his knights and esquires, and invited them to join him in his expedition to the Holy Land. Roused by the preaching of Peter the Hermit, the nations of Europe had risen as one man, and all, both old and young, rich and poor, voluntarily offered their lives for the recovery of the holy sepulchre; nobles sold their lands, and princes mortgaged their kingdoms; but Richard, who had found in the coffers of the late king the exorbitant sum of £600,000, equal to a third of the whole money in circulation, not content with this treasure, levied unheard-of tallages on the towns and boroughs, and fined the nobles towards the expense of the expedition. The vacant baronies and abbeys he openly sold to the highest bidder, and even absolved the king of Scots from his allegiance to the English crown on condition of his contributing towards his favourite object; and the fortresses of Roxburgh and Berwick, which had been surrendered to Henry II. as pledges of the fidelity of that kingdom, were given back with a degree of profligacy scarcely credible. The great aim of Richard's ambition was the equipment of a magnificent retinue, that he might appear with the pride and glory becoming his rank in the grand contest which was going on between Western Europe and the regions of the East.

As soon as the preparations were completed, Richard entered into a treaty with Philip Augustus, king of France, who was likewise preparing to start on an expedition to the Holy Land. The two princes joined their forces, and for some time acted in concert. Acre was taken, and several other successful enterprises jointly performed, but mutual jealousies and discontents divided their counsels, and Philip thought proper to return to France, leaving Richard the whole glory of the campaign. Frederic Barbarossa, emperor of Germany, who had preceded the two kings to the Holy Land, lost his life whilst crossing the river Salif, and the small remains of his army, which had originally numbered 150,000 men, joined the standard of Richard. The English monarch, now the sole champion in the field, was everywhere victorious, and Saladin, the most renowned of the Saracen caliphs, with far superior forces, was defeated at the battle of Ascalon. After this victory the city of Ascalon and many other towns surrendered, but these successes were barren of any permanent results; and when advancing to the siege of Jerusalem, Richard had the mortification to find that his little band had been so reduced by sickness, famine, and fatigue, that it was madness to attempt the hazardous enterprise. With heartfelt grief he relinquished the object of his wishes, and having concluded a treaty with Saladin, by which the Christian pilgrims were permitted to visit the holy sepulchre, he embarked in a single ship

for Italy. By some untoward accident the vessel which carried the English king was wrecked near Aquileja at the head of the Adriatic, and after many romantic incidents Richard arrived at Vienna, where the archduke Leopold made him prisoner, and subsequently delivered him to the emperor of Germany. Henry VI., in the true spirit of barbarism, refused to release the king without the exorbitant ransom of 150,000 marks, equal to about £300,000 of our money, although he had been taken when passing through a friendly country. This enormous sum was raised by contributions from all ranks of the state; and when the king landed in England, his return was hailed with universal joy, although he had given his subjects little cause either to love or admire his administration. John, who had plotted with the king of France for the detention of his brother, was pardoned, and Richard spent the remainder of his reign in a vigorous invasion of Philip's dominions as a punishment for his perfidious designs. Whilst besieging the castle of one of his rebellious vassals in the Limosin, he was struck by an arrow from the walls, and died in the tenth year of his reign, and the forty-second of his age.

This reign was remarkable for the constitutional opposition which was offered by the barons to the usurpations of the chancellor Longchamp, who had been left by the king joint regent and justiciary with the bishop of Durham. Relying on his power, Longchamp refused to admit his coadjutor to a share in the administration, and the latter appealed to the convention of nobles who had been called together at the instigation of John. Finding that Longchamp persisted in his usurpations, the assembly of nobles passed a sentence of deposition and banishment, and proceeded to remodel the regency. This interference on the part of parliament, although it might be presumed to be in accordance with the wishes of the king, who had already been apprised of the maladministration of Longchamp, was certainly a remarkable assumption of power, and introduced a leading principle of our constitution—the responsibility of ministers to parliament.

In speaking of the crusades, we omitted to mention the important consequences which followed the termination of these enterprises. The wasted regions of Asia Minor could ill sustain the vast multitudes who poured upon its coasts; hundreds of thousands perished by famine and the sword, and the few who survived purchased the necessaries of life at exorbitant rates from the Italian merchants, who sent their ships laden with provisions to these inhospitable shores, and thus laid the foundation of the wealth and splendour of the Italian republics. The popes, on the other hand, taking advantage of the religious feeling of the age, usurped the power of disposing of earthly crowns, while the nobles who

engaged in these hazardous enterprises were compelled either to sell or mortgage their estates, to defray the expenses of so distant a voyage. As there were many sellers, so there were fewer purchasers, and the lands realised but a nominal value; the baronial estates were often divided into several lots or parcels, as the merchants and traders of those times, who possessed most of the available capital, were in but few instances sufficiently wealthy to purchase entire manors. This general transfer of landed property, and the subdivision of the greater feudatories, exercised an important influence by rendering the tenure of land less military, and breaking down the ancient barrier of race; even the monks and religious houses felt the advantages of the change,—they purchased large estates at comparatively little sacrifice, and the number of petty freeholders became a more numerous and powerful class.

It has generally been maintained that the crusades introduced into Europe a taste for science, and a greater proficiency in the arts, nor is there sufficient reason for combating this opinion, although some historians have maintained with great show of plausibility, that the beneficial influences attributed to the crusades are better explained by the taking of Constantinople by the Turks, when the skilled artisans and philosophers of the Eastern empire, who had formerly resided in that school of learning, where the arts and elegances of life had been handed down from the days of Rome's greatness, were scattered over Europe, especially through the towns of Italy and France. No doubt this latter circumstance had its influence on the progress of European society, but it should be recollected that the eighth and ninth centuries, which immediately preceded the crusades, were the darkest period of the Middle Ages, and the improvement perceptible in the eleventh and twelfth can by no possibility be referred to this event, as the final capture of Constantinople did not take place till the middle of the fifteenth.

The effect of the crusades in extending the power of the church was still more remarkable; the conspicuous part taken by the clergy in these religious wars, gave a weight and influence to the church which it had never before possessed. During the absence of the Christian princes on these holy missions, their countries were left under the immediate protection of the head of the Christian church, and both princes and people became accustomed to look to Rome for direction and support. These extraordinary powers were remembered in after-times under very different circumstances, and the popes claimed not only the right of interfering in the internal concerns of nations, but even of disposing of kingdoms at their pleasure.

The perfection of chivalry and romance in the eleventh and early part of the twelfth centuries, which has generally been

attributed to the crusades, was the natural development of the primitive peculiarities of the Teutonic nations; both Cæsar and Tacitus bear testimony to the exclusive attention paid by the Germans to the profession of arms, and the high esteem in which they held the female sex. As these hardy virtues of the north came in contact with the refinements of the south, they acquired a peculiar character. The simple ceremony of investing the young warrior with his arms, was gradually complicated by the addition of new solemnities from time to time, till the conferring of knighthood assumed the mysterious pomp with which we find it invested in the middle of the eleventh century. After watching his arms for a night in the church with fasting and prayer, the novice delivered the sword and shield to the priest, who returned them with his benediction, and then falling upon his knees, folded his hands between those of the senior knight, who delivered to him his spurs, halberd, and coat of mail, investing him at the same time with the honour of knighthood, in these words,—“In the name of God, St. Michael, and St. George, I make thee a knight; be valiant, hardy, and loyal.” As soon as the ceremony was completed, it was incumbent on the young aspirant to fame to seek for some enterprise in which he might show himself worthy of the honour which had been conferred upon him, and, according to the tradition of the age, this could have been no difficult matter: all that he had to do was to challenge some knight of known valour and gallantry, with the taunt, that the lady it was his honour to serve and obey excelled all other women in beauty and virtue, as the moon excels the lesser stars in brightness; and this, according to the notions of the time, was an insult for which nothing but the sword or the lance could atone. These sentiments of romantic gallantry and chivalrous daring, harmonised well with the elegance and refinement of the baronial halls, and during the period of the crusades, attained an eminence which stamped a lasting character on European society. “The crusades,” observes Mr. Hallam, in his “Literature of Europe,” “were probably the great means of inspiring an uniformity of conventional courtesy into the European aristocracy, which still constitutes the common character of gentlemen.”

Whether we refer the origin of the peculiar institutions of chivalry to the Normans or the Moors, certain it is that they continued to exercise an important influence on the progress of events throughout the whole period of the Middle Ages, and on nothing more than on the literature of Europe. Few of the countless thousands who poured down upon the desolated countries of the East, ever returned to their native lands; but those who were so fortunate as to escape the perils of the journey and the swords

of the Saracens, found an ample consolation for the dangers they had encountered, in the applause and admiration of their countrymen. Their valour and constancy were sung by the troubadours, and their marvellous achievements described in the glowing language of romance by the bards and minstrels. This singular species of composition, which had previously been unknown in Europe, took its origin in the south of France about the early part of the twelfth century, where the troubadours so exquisitely blended the narration of truth and fiction, that while the marvellous appealed to the imagination, the antecedent probability of the story was not completely destroyed. The novelty of the scenes described, and the brilliant colouring of fiction, added such a charm to romance, that the appetite for the marvellous became insatiable. The poet, finding himself fettered by the known truths of his own time, transported his imagination to distant lands and remote antiquity, where he could introduce the unseen agencies of enchantment, or the still more heart-stirring combats of the ancient heroes with spirits, giants, and fiery dragons, without even the possibility of conviction. Such, at least, appears to have been the origin of romance in the twelfth century, which has added a brilliant and not insignificant field to the province of literature. The earliest of these works of fiction which have come down to us are, the tales of Renard the Fox, Prince Arthur and the Knights of the Round Table, the Song of King Richard, and the fabulous exploits of Charlemagne and his twelve peers, written under the assumed name of Archbishop Turpin, all of which possess in themselves a considerable degree of intrinsic merit and artistic skill, but are more deserving of study as the origin from which all subsequent romances have sprung.



Costume of Henry II. and Richard I.

CHAPTER VIII.

RISE OF THE ENGLISH CONSTITUTION.

JOHN (SURNAMED LACKLAND). 1199—1216.

State of the constitution on the accession of John—Murder of Prince Arthur—Loss of Normandy—Dispute with the church—England held as a fief of the Holy See—Magna Charta—Charter of the forests—Rise of municipal government—Treacherous conduct of John—The barons solicit aid from the king of France—London surrenders to Prince Louis.

ON the accession of John, one essential article of our constitution appears to have been firmly established,—the independent existence of a legislative body. But this, although an important advance, was not of itself sufficient to secure the freedom of the country, or fix the limits of arbitrary power. The energetic administration of Henry II. had much weakened the power of the nobles, and the people had not yet acquired a compensating influence. Under such circumstances, John might have reigned perfectly regardless both of the threats and remonstrances of the barons, but his pusillanimity rendered him at once hated and despised. No sooner had he seized the crown, than the legitimate claimant, Prince Arthur, the son of his elder brother Geoffrey, prepared to assert his title. With the aid of the French king he secured the co-operation of the continental provinces, and for some time the war was carried on with vigour, when certain circumstances caused young Arthur to throw himself into the hands of his uncle. On better consideration, he, however, returned to France, and with the aid of Philip raised a small army, at the head of which he entered Normandy, and endeavoured to recover his patrimonial estates. Arthur's forces were routed, and he himself fell into the hands of John. This time the inexorable tyrant determined to rid himself of all opposition, and threw his nephew into a dungeon, where, not relying on the fidelity of his emissaries, he is supposed to have poniarded the young prince with his own hand.

From this time affairs began to assume a darker turn: Philip took possession of the province of Normandy, and the English barons, disgusted at the cruelty and cowardice of their king, refused to help him in their recovery. To chastise them for their disobedi-

ence, John imposed exorbitant fines, and levied large sums of money, which he squandered in waste and debauchery. These violent proceedings, heightened by the loss of Normandy, created general disaffection. The remembrance of the cruel murder of Prince Arthur came in to fill up the measure of his iniquities. Hated, abandoned, and despised, John ventured on the renewal of that contest with the pope which had shaken Henry II. on his throne. The see of Canterbury having fallen vacant, John seized on the church lands and expelled the monks of Christ Church, who were proceeding to the election of a new primate. The popes had always favoured the election of the bishops by the monks of the chapter, as it brought the church in more immediate connection with the see of Rome, while for the same cause the English kings had strenuously opposed the pretensions of the regular clergy. Things were in this state when Pope Innocent, conscious of his own power and of the weakness of the prince with whom he had to contend, set aside the archbishop nominated by the king, and appointed Langton in his stead. John then seized the property of the monks, and proceeded to other measures of violence, upon which Innocent III. laid the country under interdict, and issued a sentence of excommunication against the king's ministers. This sentence created universal alarm and consternation; divine service was stopped throughout the kingdom, the sacraments were no longer administered, the dead were denied burial, the church doors were closed, and the people debarred the use of animal food. In the days of which we are speaking such a sentence was extremely formidable: even Henry II., in the might of his power, faltered before the prospect of such a contest; no wonder then that a weak and dastardly prince like John succumbed. The pope, to finish his part, absolved the English subjects from their allegiance, and called on the French king to take possession of the throne.

Philip made great preparations both by sea and land for the enterprise, but it was not Innocent's intention that so vast a power should be concentrated in the hands of a single monarch; and when he was informed through his emissaries that the fear of a French invasion had wrought its desired effect, he sent trusty envoys to John, who informed him that by surrendering his kingdom absolutely into the hands of the holy father he might yet avert the threatened danger. John gladly embraced the proffered opportunity, and swore to hold his kingdom as a fief of the holy see, reserving to himself a rental of 1000 marks.

The pope's aim was now accomplished,—he had humbled the pretensions of the English crown, and accordingly desired Philip

to desist from all hostilities. That prince, indignant at having been made a mere tool, continued the preparations with increasing vigour; but a formidable insurrection in his own dominions, and a successful attack made on his shipping by the English fleet, prevented the immediate accomplishment of his designs.

In 1213 the parliament confirmed the surrender of the kingdom to the pope, and ordained that every tenth knight should be kept in readiness to repel the threatened invasion on the side of France. Two bishops, nine earls, and three barons signed the deed of resignation. It is not certain that all who were present affixed their names to the instrument, as in these early times many of those who attended parliament frequently confined their attention to local interests, without taking part in measures of general importance. The towns were frequently obliged, even in later times, to pay their representatives, and it is no uncommon occurrence to meet with petitions from the boroughs entitled to send members to parliament praying to be excused from this burden, as their people were too poor to defray the charge; and it required ages of experience to teach the people that their rights were better secured by representation in parliament than by all the forces they could bring into the field. Archbishop Langton, who had been imposed upon the country contrary to the will of the king, felt no scruple in resisting his authority, and joined with the barons in concerting measures for the reformation of abuses in the government. Langton was a man of deep learning and research, and it appeared to him that no more effectual means could be devised for checking the excess of the royal prerogative than the confirmation of the charter of Henry I. This charter, which had lain almost forgotten since its promulgation, contained many clauses very favourable to the liberties of the people, and had already received the royal assent; to demand therefore its confirmation was nothing startling, and readily received the support of the people. When the barons first presented their grievances to the king, they received no definite reply: unable to resist and unwilling to reform, John referred to the pope, whose interest it now was to support his vassal. Innocent immediately sent peremptory instructions to his legate, the archbishop of Canterbury, to withdraw himself from all confederacies of the barons which tended to disturb the peace of the kingdom, and threatened excommunication to such as should refuse to abide by his award. The barons, with Langton at their head, wisely refused all foreign interference, and held a second council at St. Paul's, in London, where they took an oath to stand by one another, with their lives and fortunes, until their object should be attained. With these resolutions they separated to

assemble their forces, which are said to have amounted to 10,000 knights and a numerous body of foot. Notwithstanding this formidable array, John contemptuously refused to listen to their proposals, and the barons immediately proceeded to hostilities by laying siege to Northampton, which they took; Bedford surrendered, and the confederate army marched on London, where they were received with transports of joy by all ranks of the people. The king began now to speak in an humbler tone, and promised to grant all their demands. This was the time for securing a final settlement of their differences, and the barons devised a more extensive system of reform than had previously been contemplated: Runnymede, between Windsor and Staines, was the place selected for the conference, and here the king swore to observe the Great Charter, to this day the foundation and bulwark of English liberty..

MAGNA CHARTA.

“By the Magna Charta of John,* reliefs were limited to a certain sum, according to the rank of the tenant, the waste committed by guardians in chivalry restrained, the disparagement in matrimony of female wards forbidden, and widows secured from compulsory marriage: these regulations, extending to the sub-vassals of the crown, redressed the worst grievances of every military tenant in England; the franchises of the city of London, and of all towns and boroughs, were declared inviolable; the freedom of commerce was guaranteed to alien merchants; the court of common pleas, instead of following the king's person, was fixed at Westminster; the tyranny exercised in the neighbourhood of royal forests met with some check, which was further enforced by the Charter of Forests under Henry III.

“But the essential clauses of Magna Charta are those which protect the personal liberty and property of all free men, by giving security from arbitrary imprisonment and arbitrary spoliation. ‘No free man’ (says the 29th chapter of Henry III.'s charter, which, as the existing law, I quote in preference to that of John) ‘shall be taken or imprisoned, or be disseised of his freehold or liberties, or free customs, or be outlawed or exiled, or any otherwise destroyed; nor will we pass upon him, nor send upon him, but by lawful judgment of his peers, or by the law of the land. We will sell to no man, we will not deny or delay to any man justice or right.’ It is obvious that these words, interpreted by any honest court of law, convey an ample security for the two

* This beautiful analysis of the Magna Charta is adopted verbatim from Hallam's *Middle Ages*, ii. 109, 110.



THE SIGNING OF MAGNA (HART)A. (p. 98.)

main rights of civil society. From the æra, therefore, of king John's charter, it must have been a clear principle of our constitution that no man can be detained in prison without trial. Whether courts of justice framed the writ of Habeas Corpus in conformity to the spirit of this clause, or found it already in their register, it became from that æra the right of every subject to demand it. That writ, rendered more actively remedial by the statute of Charles II., but founded upon the broad basis of Magna Charta, is the principal bulwark of English liberty; and if ever temporary circumstances, or the doubtful plea of political necessity, shall lead men to look on its denial with apathy, the most distinguishing characteristic of our constitution will be effaced."

"As this was the first effort," continues Mr. Hallam, "towards a legal government, so is it beyond comparison the most important event in our history, except that Revolution without which its benefits would have been rapidly annihilated. The constitution of England has indeed no single date from which its duration is to be reckoned. The institutions of positive law, the far more important changes which time has wrought in the order of society, during six hundred years subsequent to the great charter, have undoubtedly lessened its direct application to our present circumstances; but it is still the key-stone of English liberty. All that has since been obtained is little more than as confirmation or commentary; and if every subsequent law were to be swept away, there would still remain the bold features that distinguish a free from a despotic monarchy. It has been lately the fashion to depreciate the value of Magna Charta, as if it had sprung from the private ambition of a few selfish barons, and redressed only some feudal abuses. It is, indeed, of little importance by what motives those who obtained it were guided. The real characters of the men most distinguished in the transactions of that time are not easily determined at present; yet, if we bring these ungrateful suspicions to the test, they prove destitute of all reasonable foundation. An equal distribution of civil rights to all classes of freemen forms the peculiar beauty of the charter. In this just solicitude for the people, and in the moderation which infringed upon no essential prerogative of the monarchy, we may perceive a liberality and patriotism very unlike the selfishness which is sometimes rashly imputed to those ancient barons. And, as far as we are guided by historical testimony, two great men, the pillars of our church and state, may be considered as entitled, beyond the rest, to the glory of this monument,—Stephen Langton, archbishop of Canterbury, and William, earl of Pembroke. To their temperate zeal for a legal government England was indebted during that critical period for the two greatest blessings

that patriotic statesmen could confer,—the establishment of civil liberty upon an immoveable basis, and the preservation of national independence under the ancient line of sovereigns, which rasher men were about to exchange for the dominion of France.”

The same document which secured the political freedom of England laid the foundation of her commercial greatness, by guaranteeing the freedom of international communication. The 39th clause of the Magna Charta enacted that one weight and one measure should be observed throughout the kingdom; that merchants should be allowed to transact all business without being exposed to any arbitrary tolls and impositions; that they, and all free men, should be allowed to go out of the kingdom and return to it at pleasure; and that no workman or villein should, by any fine, be deprived of his tools or implements of industry. But the provision which most directly affected the form of the government was that which related to the summoning of parliament: by the same clause which prohibited the levying of aids, except in the three feudal cases of the king's captivity, the knighting his eldest son, and marrying his eldest daughter, it was provided that the *council* should consist of the prelates and nobles of the realm, who were to be summoned by separate writs, signifying the subject of their deliberations, and the time and place of their meeting, while the lesser feudatories and free tenants of the crown were to be summoned *en masse* by the sheriffs of their respective shires, and the space of forty days was allowed for their assembling. This was an important concession, as by the writs being addressed to each member of the council individually, the comparative freedom of the members was secured; whereas, in former times, it mainly rested with the officer of the crown which of the barons should be summoned: it also had the further advantage, that when all were summoned, those who neglected to attend were held to be bound by the decision of those who were present. So far as the parliament was concerned, it had always been summoned on pressing emergencies, but the particular attention paid to its constitution shows the growing importance attached to it. The loss of the continental dominions, and the impoverishment of the crown revenue during the civil wars, had rendered recourse to tallages and extraordinary supplies more frequently requisite for carrying on the government, and consequently a stricter vigilance began to be exercised over the expenditure of the national funds. This principle of parliamentary interference in matters of finance, however constitutional, was introduced at too early a period for complete success; the money clause which prohibited the levying of aids without the consent of parliament rendered it obnoxious to the power of the crown, and in

the confirmation of the charter by Henry III., the whole section is entirely omitted, but the principles on which it was based survived the written letter of the law, and from this time the parliaments were more regularly summoned; the independent right of members to sit was more completely recognised, and parliamentary interference in matters of expenditure acquired a more legal sanction.

The operation of the Charter of the Forests, which was signed by John at the same time with Magna Charta, restrained the worst abuses of the feudal tenure. All lands which had been converted into woods or parks since the commencement of this reign, were disafforested, and the tenants bordering on the royal forests secured against spoliation and mutilation; in a word, the laws made for the protection of the game were either repealed or considerably mitigated.

The exemption of the towns and royal boroughs from tolls and arbitrary tallages proves the growing wealth and influence of these corporate bodies; and the establishment of municipal government forms one of the most conspicuous points in the history of this reign. John, whether from incapacity or a desire to counterbalance the influence of the barons, granted to the towns the privilege of choosing their own magistrates, and regulating their internal affairs by special charters of incorporation. The first mayor and aldermen of London were elected in this reign, and the traders of England became more prosperous, notwithstanding the insecurity and civil disorder which prevailed. The better to secure the due observance of the charter, the barons demanded that the Tower of London should be delivered into their hands for two months, and that a committee of barons should be appointed as the conservators of the public liberty to carry out its provisions, with full powers to admonish the king, and, in case of refusal, to levy war against him. Preposterous as these demands may at first sight appear, John, who was now ready to grant everything, made no scruple in agreeing to them; but he had originally conceded to the demands of the barons only because he had no power to resist, and as soon as the confederate forces dispersed, he assembled an army of mercenaries and ravaged the whole country. The barons, now taken by surprise, were unable to offer any resistance, and in their consternation sought help from the king of France. Philip immediately despatched his son Louis with an army of 7,000 men, and the barons flocked to his standard; but John still sustained the contest, and for several years the country groaned beneath the miseries of civil war. After various changes of fortune, Louis entered London in triumph, and was received with acclamations

by the citizens, who hoped for some alleviation of their misfortunes under his government; but several of the barons grew disgusted with the partiality of Louis to foreigners, and no less than forty made private assurances of their good intentions to the king. John, who was not wanting in promises, swore faithfully to observe the provisions of the charter, and admitted to his councils the archbishop of Canterbury, the earl of Pembroke, and other popular men, who gave him wise and prudent counsel; but the known duplicity of his character prevented the people from at once returning to allegiance. His affairs, however, had so far brightened, that he was marching to the south with the intention of engaging Louis, when, passing along the shore of the Wash, his baggage and regalia were swept away by the retiring flood. This accident is said so to have chagrined the disconsolate monarch as to bring on a fever, of which he died a few days after at the monastery of Peterborough, whither he had retired.*

* Some of the chroniclers assert that he was poisoned by the monks of Peterborough.

CHAPTER IX.

RISE OF THE HOUSE OF COMMONS.

FROM THE ACCESSION OF HENRY III. TO THE DEATH OF EDWARD I.
A.D. 1216—1307.

Henry III.—Regency of the earl of Pembroke—Louis returns to France—War in Guienne and Poitou—The barons refuse supplies—Disgrace of Hubert de Burgh—Promotion of foreigners—Defeat of the English forces—Control over expenditure—Henry endeavours to carry on the government without the aid of parliament—Solemn confirmation of the charters—Conquest of Sicily—The barons refuse supplies, and demand a revision of the government—Committee of ordainers—Measures of the Mad Parliament—Ambitious views of Leicester—Commencement of the civil war—Leicester defeats the royal forces at Lewes, and takes the king and Prince Edward prisoners—Deputies from the counties and towns first summoned to parliament—Leicester slain at Evesham—Henry resumes the government—Dictum de Kenilworth—Constitution of parliament—Equality of civil rights—Democratic character of the English monarchy—Legal peculiarities—Edward I.—His prudent administration—Ambition of the Plantagenet princes—Conquest of Wales—Improvements in the law—Disputed succession of the Scottish crown—Arbitration of Edward—Wallace maintains the national cause—Seizure of wool and hides—Constitutional opposition of the earls of Hereford and Norfolk—Edward confirms the charters, and signs the statute *de tallagio non concedendo*—War with France—Influence of Edward's conquests—Growth of the power of the commons.

HENRY III. 1216—1272.

BEFORE Henry was ten years of age, the first parliament was held at Bristol, in which the earl of Pembroke, marshal of England and the great advocate of the popular cause, was chosen protector, with the title of governor of the king and kingdom. Through his influence, the great charter was again revived and confirmed, and some of its most objectionable clauses omitted, especially that prohibiting the levying of money without the consent of parliament. Although the cause of Louis had been gradually declining, his forces were still very considerable; Dover held out for the youthful king under the valiant defence of Hubert de Burgh, but the Tower of London surrendered, and the castles of Hertford and Berkhamstead were reduced by

famine. The English barons every day became convinced of the inexpediency of supporting a foreign rival in opposition to their lawful sovereign, and those who refused to join the royal party retired to their own estates. The French cause now became desperate, and Louis, shut up within the walls of London, proposed terms of accommodation, by which he promised to resign all pretensions to the English throne, and retire to the continent, on condition that the barons who had espoused his interests might be received into favour, and the prisoners on both sides released. These terms being accepted, the foreign troops embarked for France, but Louis was too poor to defray the expense of the transport of his army, and was compelled to borrow the necessary supplies of the citizens of London.

After the death of the regent Pembroke, the care of the kingdom was confided to Peter des Roches, bishop of Winchester, and Hubert de Burgh, the high justiciary, who had so valiantly fought in the royal cause. Some little animosity and personal emulation disturbed the unanimity of their administration. But Pandulph, the papal legate, used the influence of his position in allaying these jealousies, and caused the princes of Scotland and Wales to restore the provinces they had taken during the war, and to swear fealty to the king of England; on which he consented to absolve them from the sentence of excommunication to which they had been subjected for taking part with Prince Louis. Through his influence, Joanna, Henry's eldest sister, was affianced to Alexander, king of Scotland, and Hubert de Burgh obtained the hand of one of the Scottish princesses. In 1223, Henry III. was declared of age: he was wholly incapable of taking any active part in the government of the country, and Hubert de Burgh continued to be his favourite minister. For some time matters went on tolerably smooth, but the revenues of the crown were much impoverished on account of the withdrawal of many lucrative, though oppressive, prerogatives by the great charter; and when war broke out in 1225, De Burgh was obliged to appeal to parliament for an extraordinary aid. One-fifteenth of all moveable property was granted by the barons, on condition that the king should ratify the two charters, which he accordingly did. But the war in Guienne and Poitou was unsuccessful, and absorbed vast sums of money; and when parliament was again appealed to in 1229, the barons refused to renew the grant, on the plea of lavish expenditure.

The odium and disgrace which invariably attend the minister who has been so rash as to advise the crown in an unsuccessful enterprise, fell with redoubled fury on Hubert de Burgh: the people were his friends, but the barons, jealous of his power and

fretful of restraint, urged his downfall,—while the king viewed with satisfaction the confiscation of so rich a booty. His enemies first pursued him to Merton Abbey, and then to Brentwood, in Essex, where, taking refuge in a church, he stood by the altar with a lighted taper in his hand, hoping that the sanctity of the place would shield him from personal violence; but his enemies crossed the sacred threshold, and hurried him off to the Tower, where he was restricted to bread and water. This violent proceeding excited such general scandal that the king was obliged to release the chancellor, who again took shelter in his former retreat; but the sheriff, more cautious than on the former occasion, surrounded the edifice with a trench, and when Hubert de Burgh, no longer able to subsist without food, was compelled to surrender himself at discretion, he was again conveyed back to the Tower. By an iniquitous decision the whole of his estates were confiscated to the crown, and himself sentenced to perpetual imprisonment in Dover castle, which but a few years before he had so gallantly defended in the royal cause. By some fortuitous circumstance he effected his escape into Wales, where many of the nobles had taken up arms to resist the violent seizures of Henry's officers: here he exerted his talents with such energy that the king was glad to purchase the submission of the barons by a general pardon, and he, amongst others, returned to his estates, but never afterwards appears to have taken a prominent part in the affairs of the country.

The king's marriage with a French princess, Eleanor of Provence, introduced a number of foreigners at court; one of the queen's uncles was made prime minister; another, archbishop of Canterbury; and a third, guardian of the young Earl of Warren. These incroachments on the national independence embroiled the kingdom in continual commotions. The barons often took up arms, and the king as often promised to dismiss his foreign favourites,—but promises and oaths were alike worthless; and the king appears to have persisted in the vain belief, that by conferring all offices of trust on foreigners, he could restrain within moderate bounds the factious spirit of his nobles.

The disastrous defeat which the English forces sustained in 1242 consummated the discontents, and the parliament refused any further supplies: even in the preceding year so great had been the dissatisfaction at the waste of the public funds, that the votes of subsidy had only been agreed to on condition of their being intrusted to commissioners who were rendered responsible to parliament for their application. This example of parliamentary control over public expenditure is deserving of particular notice as introducing that correspondence between supply and

redress which for some centuries formed the "balance-spring of our constitution."

The loss of the continental possessions now came to be adequately felt,—the king, no longer able to overawe one part of his dominions by the force he could bring from the rest, was compelled to consult the wishes of his people, and to balance the power of the nobles by raising the social condition of the masses, while the Norman nobles, separated from their connections on the continent, came to regard England as their home and Englishmen as their countrymen: hemmed in by the sea, "the two races, so long hostile, soon found that they had common interests and common enemies; both were alike aggrieved by the tyranny of a bad king,—both were alike indignant at the favour shown by the court to the natives of Poitou and Aquitaine. The grandsons of those who had fought under William, and the great-grandsons of those who had fought under Harold, began to draw near to each other in friendship;"* and as the great charter had been the first pledge of their reconciliation, so the formation of a representative government was the consummation of their identity.

For some time after the dissolution of the parliament of 1242, the king endeavoured to carry on the government without resorting to such aid; but in 1253 he was again compelled to meet his nobles. They demanded the restoration of their ancient liberties: the bishops and clergy, to whom we are much indebted for their zeal in behalf of liberty during this reign, took a conspicuous part in the popular movement. While the barons were assembled in Westminster Hall, the bishops and abbots, arrayed in their pontifical robes and bearing lighted tapers in their hands, proceeded in solemn procession to the presence of the king, where the archbishop of Canterbury pronounced the awful sentence of excommunication against the violaters of the charter. The king replied in accents of despair, "So help me God! I will keep these charters inviolate, as I am a man, as I am a Christian, as I am a knight, as I am a king!" These intentions, if ever seriously entertained, were as transitory as they were fervent. Henry III., like his descendant Charles I., though a prince by no means deficient in religious feeling, had his own notions of the validity of an oath which affected his power, and was generally on sufficiently good terms with the pope to obtain a dispensation, which, according to the perverted notions of that age, was sufficient to annul any prior engagement,—and if it did not satisfy the expectations of his people, at least served to calm the fears of his own conscience.

The mutual distrust and jealousy which had thus for forty years disturbed the tranquillity of England, at length reached

* Macaulay's History of England, vol. i. ch. i. p. 16.

a point which threatened the stability of the throne. With singular want of prudence, Henry, at the instigation of Innocent IV., undertook a ruinous war for the conquest of Sicily for his second son, Edmund, and with this view had mortgaged to the pope his kingdom for 14,000 marks: when the island was conquered, the reigning pope, Alexander IV., demanded the immediate completion of the compact, under sentence of excommunication and general interdict. In this dilemma, Henry appealed to his parliament for the liquidation of the debt; but the vastness of the amount, and the frivolous nature of the pretext, we are told, filled all present with astonishment; the nobles were indignant that one man's supine folly should thus bring them to ruin,—and the clergy were discontented with the deprivation of their livings. "Who can deny," says Mr. Hallam, "that measures beyond the ordinary course of the constitution were necessary to control so prodigal and injudicious a sovereign?"* Accordingly the barons insisted that a committee of their own body should be appointed, with power to investigate the abuses of the kingdom and regulate the administration of affairs.

After a short and boisterous session at London, the parliament adjourned to Oxford, where on the 11th of June they again met, and in conjunction with the king appointed a committee of twenty-four persons to whom the whole administration of the government was confided. The "Mad Parliament," as it was called, now proceeded, under the guidance of Simon de Montfort and other popular members, to pass a series of resolutions which eventually overthrew the whole system of government; but this was a casualty which could neither be foreseen nor prevented. The difficulty of striking a just balance between the prerogative of the crown and the security of the people, together with the versatile character of Henry, rendered such an event almost inevitable. Similarly to the Long Parliament of Charles I., the earlier measures of the barons were regulated with moderation and wisdom. It was determined that the freeholders in each county should make choice of four knights to represent them in the ensuing parliament, and lay before the king and nobles the complaints of their respective constituents; that a new sheriff should be annually chosen by the freeholders in each county; and that three sessions of parliament should be held regularly every year to assist the king in the administration of government. But it was easier to enact good laws than to enforce them; the twenty-four barons to whom the government had been intrusted began to league with the aspiring Earl of Leicester to overturn the whole constitution of the state: jealous of retain-

* Hallam's *Middle Ages*, ii. p. 115.

ing the power in their own hands, they dismissed the king's officers, and transferred the whole powers of parliament to twelve persons chosen by themselves. These arbitrary measures soon created a general feeling of resentment, and many of those who had supported the cause of liberty rallied round the royal standard. "A king," says Mr. Hallam, "divested of prerogatives by his people, soon appears even to themselves an injured party, and as the baronial oligarchy acted with that arbitrary temper which is never pardoned in a government that has an air of usurpation about it, the royalists began to gain ground." Prince Edward, who was twenty-two years of age and a youth of aspiring valour, took advantage of this change in the national feeling, and summoned the vassals of the crown to support the royal cause; but the Earl of Leicester, who was brother-in-law to the king, and son of the famous de Montfort (who led the crusade against the Albigenses), was determined not to surrender his power without a struggle; and retiring to the western counties, where his influence mainly lay, he collected an army and engaged the royalists at Lewes, in Sussex, in which battle both the king and prince were made prisoners. This event changed the whole aspect of affairs: Leicester, no longer restrained even by the semblance of royal prerogative, proceeded at once to remodel the government according to his own notions, and compelled the unfortunate king to sanction whatever measures he proposed. Leicester's power was, nevertheless, far from secure; besides the partisans of the king, who opposed his measures on principle, there was a more numerous party in the country, who, although they took part in resisting the illegal exactions of the crown, yet had no wish to see either the constitution violated or the throne usurped, and without their aid Leicester saw that it would be impossible to maintain the ascendancy he had gained. The pope and the king of France likewise exerted themselves to revive the royal cause, and with their aid the queen assembled an army of mercenaries at Damme in Flanders, with which she intended to land on the southern coast, and to join the scattered remains of the king's forces; but contrary winds prevented the embarkation of the troops, and the whole enterprise was abandoned. In this state of affairs, Leicester determined on the expedient of summoning a parliament, with the view of lending a more constitutional sanction to his authority; but knowing the enmity of many of the nobles, and the zeal of the citizens of London and the commonalty generally for the liberal cause, he "directed the sheriffs to elect and return two knights for each county, two citizens for each city, and two burgesses for each borough in the county;" thus estab-

lishing the principle of representation, and laying the foundation of the English house of commons. "That Leicester should have foreseen the full effects of what he was doing is not to be supposed; the measure itself was one which in the natural course of things must inevitably have occurred within a few years; deputies of the towns had sat for the last century in the cortes of Spain; towns were everywhere rising into importance, and becoming of too great weight in the balance of states to be any longer subject to the arbitrary power of princes and nobles. Leicester may doubtless have seen much of this, but his probable motive was merely to add to the parliament members who he knew would be wholly devoted to himself and the ready agents of his will."*

As most of the nobles and prelates who were summoned to this parliament were the sworn friends of Leicester, all things were done according to his will; but the commons displayed a degree of firmness and decision scarcely to have been expected from so young an assembly, and openly expressed their wishes for the restoration of the king and prince. A negotiation was accordingly set on foot for the liberation of the prince, while every care was taken to secure the authority in Leicester's hands; but Prince Edward, who was ill-contented with the share of liberty allotted to him, soon succeeded in effecting his escape, and joined the earl of Gloucester at Ludlow, where the royal banner had been raised, and having sworn to respect the charters and govern according to law, he took the command of the royal forces, and by a successful manœuvre came unexpectedly upon the baronial army. Simon de Montfort, the earl of Leicester's son, was defeated near Kenilworth, and the prince, marching to the south with his victorious troops, surprised the earl's forces at Evesham before intelligence of the disaster of Kenilworth had arrived. Leicester, finding himself attacked by superior numbers, made a desperate charge to force the road to Kenilworth, but failing in the attempt, he was surrounded and slain, and his army cut to pieces by the royalists, who gave no quarter.

In reviewing the character of this remarkable man, we cannot but admire him both as a general and a statesman: by one stretch of his master mind he devised the system of popular representation almost on the same broad principles as it exists at present; and while we speak of his ambition as the actuating principle of his life, we should recollect that when the persons of the king and the prince were wholly within his power he treated them with kindness and consideration; but of the purity of his motives it is impossible to form a decided judgment, since the authorities on which we must mainly rely are either his open

* Keightley, History of England, i. 163.

enemies or his avowed partisans, who have accordingly coloured events to suit their own views.

If, however, we might judge from the feeling of the time, he was a sincere friend of liberty; the lower orders especially looked up to him as the champion of the national cause: even long after his disappearance from the scene of action his memory was revered as Sir Simon the Righteous, and although excommunicated, miracles were supposed to be wrought at his tomb.

The king had gained the victory, but he was fully aware that it had been won by the arms of his nobles, and he accordingly acted with moderation and discretion: not even in the moment of victory does there appear to have been any serious attempt to infringe the provisions of the charters, or the concessions which had been subsequently granted. The measures of retribution were left to the parliament, which deprived the citizens of London of their charter, and confiscated the estates of Leicester's adherents; but as these rigorous acts created new disturbances, the king wisely consented to refer the matter to a committee of twelve prelates and peers, who revised the decree of parliament, and permitted the delinquent lords to redeem their estates at a fixed commutation, according to their several offences. This dictum of Kenilworth, as it was called, was confirmed by the king in parliament, and most of the barons availed themselves of its provisions.

The earl of Gloucester, who had been mainly instrumental in effecting the king's restoration, took disgust at some measures of the court, and not only withdrew his support, but openly rose in rebellion, and seized the Tower of London. These discontents, however, were soon allayed; the earl received a free pardon, and a new charter was granted to the citizens of London. Having thus restored the country to tranquillity, the king was induced by the advice of his council to summon a parliament in imitation of that of Leicester, to which the counties and towns were invited to send their representatives, and many good laws were enacted, called the statutes of Malbridge, confirming several of the provisions of Oxford. As this parliament was assembled at the king's free pleasure, it has always been considered as the first confirmed instance of the house of commons, and an evidence of the people's right to be represented in parliament.

The king, who was now firmly seated on his throne, gave permission to Prince Edward to follow his favourite wish of proceeding to the Holy Land, and continued to reign in tranquillity till the 16th of November, 1272, when he died at Westminster, after a long reign of fifty-seven years.

Scarcely any period of history deserves more attention than

that of the reign of Henry III.; it not only saw the rise of the House of Commons, but the entire dissolution of the feudal gradations of rank. "From the reign of Henry III. at least," says Lord John Russell, "the legal equality of all ranks below the peerage was, to every essential purpose, as complete as at present."* All commoners were included in the two classes either of freedom or villenage; the invidious distinction of gentleman which, in other countries, conferred exclusive immunities, was unknown in England; none were exempt from the judgment of an ordinary jury, and the law was the same for all; the merchant and the farmer were eligible to purchase lands held by knights' service, and to discharge the highest offices of state if they attained to rank and influence. But what was of still greater importance to the progress of liberal institutions, was the absence of an inferior nobility as a distinct class; the sons of peers, not even excepting the eldest, were commoners, and, as such (when elected), sat in the lower house, where they became acquainted with the wants and feelings of the people, and when a stand was to be made for liberty, they were generally foremost in the struggle. "It is," observes the same noble author, "to this peculiar democratical character of the English monarchy, I am firmly convinced, that we are indebted for its long perseverance, its regular improvement, and its present vigour."

Scarcely inferior to the political transactions of the time were the changes which had been silently operating on existing institutions.

The curia regis, or king's court, which had been originally instituted for the protection of the interests of the crown, had gradually become a court of appeal. The increased business required a division of labour, and the revenue portion of it, known as the exchequer court, was first severed from the ordinary proceedings; next followed the common pleas, and in the present reign the king's court finally disappeared under the names of exchequer, king's bench, and common pleas, which were fixed at Westminster by the 14th clause of the Magna Charta, enacting that "the courts of law should no longer follow the king's person, but be held at some certain place." This change in the courts produced a corresponding alteration in the mode of procedure. The great officers of state, who had formerly been the judges of the king's court, resigned their places to regular lawyers, who introduced into the study of law that excessive subtlety and preference for technical forms which characterised the whole study of philosophy in the middle ages. This intricacy of legal process and reliance on precedents has always clung to the administration

* Essay on the English Constitution, chap. i. p. 11.

of English law, but the jealousy of arbitrary interference, which originally rejected the Code of Justinian (civil law), has maintained the purity of our legal decisions by a fixed adherence to established rules, and a jealousy of judicial discretion known in no other country. The increasing demand, however, for the speedy administration of justice, and the impossibility of digesting the crude mass of precedents and statutes, augmenting every year on the hands of the legal student must, sooner or later, produce an alteration in the existing law. "We are thus," says a competent authority on legal matters, "gradually approaching the crisis of a necessary reformation, when our laws, like those of Rome, must be cast into the crucible, and it would be a disgrace to the nineteenth century if England could not find her Tribonian."

Philosophy and science received at the same period an important addition by the discoveries of the great Roger Bacon, a Franciscan friar, who pursued the study of nature by the only true mode of investigation—experimental induction: the discovery of the microscope and the magic lantern opened a wide field for the exercise of the human mind; but Bacon was a man who lived before his time, while all around was darkness; he alone beheld the beacon gleaming in the distance, and two long centuries were to roll away before the truths which he revealed could either be appreciated or successfully pursued. But although the system of investigating nature which Bacon taught failed of immediate reception, it awakened men's minds, and for ever shook the transcendental principles of the scholastic philosophy, which turned the mind upon itself, and shut it out from the investigation of external nature. About the same time that the English philosopher was making his discoveries, an ingenious instrument was introduced into Europe from the east;* this was the mariner's compass: before its discovery, merchants could only track their course by observing the distant headlands, and therefore were in continual danger of the storms which dashed their frail barks against the rocks. The invention or discovery of the compass was for the thirteenth century what steam was to the eighteenth century; it opened a new field for industry and enterprise, and in the fifteenth

* There is some doubt as to the introduction of the mariner's compass; some maintain that it has long been known in China and Central Asia, while others attribute its discovery, in the fourteenth century, to Flavio Gioja, a citizen of Amalfi; but it is well established that the polarity of the magnet was known before his time, as mention of it is made by several writers of the twelfth and thirteenth centuries, both French and Italians; and there is great probability that the discovery belonged to the Saracens, from which adventurous race the knowledge of the wonderful properties of the magnet was obtained.—See 'Rudimentary Treatise on Magnetism,' by Sir W. Snow Harris, Part iii. p. 135.

produced an entire change in the relation of nations. This reign was also remarkable for some alteration in the social condition of the people; aldermen were elected for the city of London; linen and tapestry were manufactured in England; and the Inquisition was first introduced, though no executions took place in England before the reign of Henry IV.

EDWARD I. A.D. 1272—1307.

After reinstating his father, Henry III., on the throne, Prince Edward went to the Holy Land, where by his valiant conduct he restored the declining fortunes of the Christians in the East, and procured them a permanent peace from the sultan of Babylon. Whilst on this exploit he was dangerously wounded by the poisoned knife of a fanatic of the Assassins, who had been sent by the emir of Jaffa with letters proposing an amicable adjustment: his life, it is said, was preserved by the devotedness of his queen, Eleanor, who sucked the poison from the wound.

Edward was returning through Italy when he received intelligence of his father's death. Notwithstanding the disturbed condition of the kingdom, he delayed some time on the continent, with the intention of frustrating the ambitious designs of his rival, Philip, who instigated the intrigues of the turbulent nobles. Whilst in Guienne, Edward received a challenge from the Count of Chalons, and met him in open tournament; but suspicions of foul play having entered the minds of the English, a regular combat ensued, in which many knights were slain on both sides: the matter, however, was at last amicably arranged, and Edward arrived in England amidst the general greetings of the nation. The barons, exhausted with their late struggles, were not disposed to enter into any new contest, and the people were anxious for repose, while the memory of Edward's heroic deeds both at home and abroad inspired a general confidence in his government. This was a critical moment in the progress of liberty, but Edward, naturally prudent, wisely contented himself with moderate power, and even favoured the frequent assembling of parliament as a more ready mode of obtaining the supplies which his enterprises and ambition continually rendered necessary. This policy was highly beneficial to the country at large; he ruled with a vigorous hand, and caused justice to be impartially executed; he restrained within moderate bounds the power of the nobles, and favoured the introduction of manufactures and commerce amongst the mass of the people; he devoted much attention to the interests of the towns, and enacted a number of salutary laws, which have gained for him the honourable appellation of the English Justinian. Had

not his ruling passion of ambition led him into arbitrary measures for the raising of money, his reign might be considered as one of the most prosperous in the annals of English history; but the wars in which he engaged, although barren in themselves, still exerted a favourable influence by diverting the attention of the king from the gradual encroachments of the commons, and whilst they exhausted the royal treasury, caused the Plantagenet princes to court the favour of the people, and added little, if any, additional power to the crown, as the new conquests were by far too poor and insecure to produce a difference of interests in the kingdom.

CONQUEST OF WALES.

The first enterprise which Edward undertook was against the northern principality of Wales, where Llewellyn having refused to do homage, the English party had risen in arms, and this pretext afforded a favourable opportunity of annexing his dominions to the English crown. The Welsh were a brave but rude people, the descendants of the Cambrian Britons who had escaped the Roman and Saxon conquests: secure within their native fastnesses, they had continually made war upon the bordering counties, but had as frequently been repulsed with considerable loss to their territories; neither the Saxon nor the Norman princes, however, had been able to penetrate their retreats, where they continued to enjoy their freedom, language, and laws. Edward, planning a more systematic expedition, entered the country with a small but well furnished army, and drove Llewellyn for refuge to the mountains of Snowdon: here, amongst the inaccessible heights, for some time the Welsh defied the attempts of the enemy, but famine and the want of supplies compelled them at length to capitulate, and Edward granted to them the enjoyment of their own laws, and national independence, on condition of a yearly tribute of £50,000, and a general acknowledgment of the supremacy of England. These terms were too severe to be long endured, and after a short period the war was again renewed: the Welsh were defeated in a decisive battle in the year 1283, which determined for ever the fate of Wales. Edward now annexed the whole principality to England, and garrisoned the towns with English soldiers; castles were built on the more commanding sites; and a colony of Flemings planted on the western coast, to keep up a communication from the sea. While in Wales, Edward's first child was born, and in order to conciliate the minds of the people, he promised that he should be created Prince of Wales, remarking that, as the infant had been born in that country, they would, in fact, be governed by a native prince. It does not appear that

this ingenious device went far to pacify the wounded feelings of the vanquished, but Edward adopted such strenuous measures that all resistance was unavailing, and the whole country submitted.

Tradition asserts, that in order to extinguish, if possible, the martial spirit of the nation, the "ruthless king" ordered a general massacre of the bards, whose rude but inspiring lays greatly contributed to foster the patriotic feelings of the nation. The inhumanity of such a proceeding could only have been surpassed by its impolicy; and in the absence of authentic history, our acquaintance with the discriminating judgment and generally sound policy of Edward ought to shield him from the imputation of a crime which must inevitably have called forth a keener sense of national wrong, and aggravated the very feelings it was his interest to allay. Tradition has likewise recorded another event, which is perhaps more worthy of credit. An ancient prophecy of Merlin had foretold that when the English money became round, a Cymric prince would be crowned in London: in derision of this prophecy of the Welsh bard, Edward ordered the head of the fallen Llewellyn to be carried through the streets of London, crowned with ivy, and set upon the Tower.

The conquest of Wales was followed by a few years of internal repose, in which Edward devoted himself to the improvement of legislation and the amendment of the courts of law, the limits of which became judicially defined: the itinerant justices were directed to hold their assizes thrice a year in every county, and general security of life and property was rendered more complete by the statute of Winchester, which enacted that every host should be answerable for the conduct of his guests, and in case of a robbery, the whole inhabitants should follow to the hue and cry; that the trees and forests should be cleared from the highways for the space of 200 feet, and officers, called conservators, appointed to keep the public peace, whose powers soon became extended, and their title changed to that of justices of the peace.

The distracted state of Scotland at this time was an object of much solicitude. On the death of Alexander III., his infant grand-daughter,—the Maid of Norway, as she was called from her education in that country,—was heir to the throne, but this princess died on her arrival in Scotland, as was supposed through the hardships of the voyage. Upon her decease there appeared no less than thirteen aspirants to the throne, and although at the present day there could have been little doubt of the succession, at that time the hereditary principle was not so clearly defined or understood, and the contending competitors agreed to refer their respective claims to the arbitrament of the king of England.

Edward looked upon this as a favourable opportunity for uniting under one sceptre the British Isles, and he artfully demanded as a preliminary step to his arbitration that the strongholds of Scotland should be surrendered into his keeping, in order that he might deliver the kingdom to him whose right it should appear. When the day for decision drew near, he commanded the attendance of all the claimants, and before delivering his award required them to swear fealty to the English crown and acknowledge his seigniority over the whole realm of Scotland: the nobles present were terrified into submission, and all, excepting the earl of Angus, consented to the surrender of their independence. Edward now proceeded to adjudicate, and submitted the consideration of the respective claims to the united parliament of the two nations: after the lapse of more than a year, the lords gave their decision in favour of John Baliol, the undoubted successor to the throne, who was accordingly invested with the kingdom. It was not long before the new sovereign was involved in a dispute with certain of his subjects, who appealed to the decision of Edward as superior lord. Baliol refused to answer the charges of his vassals in a foreign court, and summoning his nobles, renounced in their presence all allegiance and duty to the king of England. Edward forthwith marched a formidable army into Scotland, and compelled the unfortunate Baliol to resign the kingdom into his hands. The barons in the south, distracted by contending interests, submitted to the conqueror; but in the north a small though brave band, led by the invincible Wallace, defended the expiring liberty of their country: burning with zeal for the national independence, they scorned fatigue and danger,—at one time storming the strongest fortresses, at another cutting off the supplies of the enemy and interrupting their communications.

Edward was called off at this critical juncture by the pressing affairs of his continental dominions, where the king of France had deprived him of Guienne, and was threatening the reduction of Bayonne. Resolved on making an adequate preparation for the invasion of France, Edward was driven to the most violent measures for the replenishment of his treasury, and not only levied tallages on all personal property without consent of parliament, but went so far as to raise arbitrarily the duties on wool, demanding of the merchants a loan equal to the whole value of their cargoes. The landowners were irritated by the seizure of their live stock and the imperious manner in which the sheriffs collected both provisions and grain for the king's army. A strong spirit of resistance was induced by these violent encroachments; and the barons, under the direction of the earls of Hereford and Norfolk, the constable and the marshal of the kingdom, so far intimidated

the officers of the crown as to stop the proceedings which the king had ordered. The two earls even went so far in their resistance as to refuse the mustering of the troops, as being contrary to law, alleging that they were only bound to attend the king's person in his wars, and consequently refused to conduct the expedition into Guienne unless they were accompanied by the sovereign in person. Provoked by this unexpected resistance, the disappointed monarch is said to have exclaimed to the earl of Hereford, "By the eternal God, sir earl, you either go or hang!" "By the same oath, sir king," replied the undaunted constable, "I neither go nor hang!" On this the two earls left the court, and many of the barons retired to their castles. This unmistakeable evidence of the national disposition alarmed the cautious spirit of Edward, and he proceeded to gain over the clergy to his side by relinquishing all interference in the appointment to ecclesiastical preferments, and at the same time addressed the citizens of London in a pathetic harangue, in which he exhorted them with tears not to suffer their king to be stripped of his dominions without the possibility of resistance. The multitude were moved by this appeal, but the nobles remained firm to their determination of resisting all illegal exactions; and on Edward's sailing for Flanders, the clergy once more deserted his cause and took part with the country, and the council which Edward had left to assist the Prince of Wales in the regency followed the same course. Edward was fortunately at this time so overwhelmed with his continental affairs that he had no leisure to combat with his subjects, and, though reluctantly, was induced to sign a confirmation of the charters with the important addition generally known by the name of the statute *de tallagio non concedendo*, which provided that no tallage or aid should be levied without the consent of the lords and commons assembled in parliament; that in future no seizures of wool, hides, or other merchandise should be made by the crown; and that no tolls or customs should be levied contrary to the charters. The better to secure the observance of these important provisions, it was enacted that copies of the charters should be sent to the sheriffs and justices in eyre, and that they should be publicly read in the cathedrals and sheriffs' courts, accompanied by a solemn sentence of excommunication against all who should presume to violate their sanctity; and that knights should be indifferently chosen in every shire to inquire into all abuses and infringements of these statutes, and to grant redress where it was not otherwise provided by law. Once acknowledged by so powerful a monarch as Edward, these charters were soon looked upon as permanently and unalterably established: in preceding times a sense of doubt and hesitation as to their fundamental validity had always existed, as

is manifest by their not being thought to bind the king unless they had previously received his special sanction.

The vital influence which these popular concessions exerted on the progress of the constitution is thus eloquently described by a living historian :

“From this period,” says Lord Brougham,* “we may truly say that the constitution of parliament, as now established, took its origin ; and however that body may have occasionally had to struggle for its privileges, how often soever it may have submitted unworthily to oppression, how little soever it may have shown a determination to resist cruelty and injustice, and even a disposition to become the accomplice in such acts, we must allow that, generally speaking, it has, ever since the end of the thirteenth century, formed a substantive and effective part of the constitution, and that the monarchy then assumed the mixed form which it now wears. The great outline was then drawn ; the details, and shades, and tints have since been filled in ;” and to the credit of those great men who then conducted the affairs of the nation, the parliament during the whole period of the Plantagenet dynasty was the guardian of private rights, while under the splendid tyranny of the Tudors it became little more than an instrument of government, or the tool of selfish designs. “The English nation,” continues the same noble author, “ought piously to hold in veneration the memory of those gallant and virtuous men who thus laid the foundation of a constitution to which they are so justly attached. The conduct of the barons in John’s reign is indeed above all praise, because it was marked by as much moderation and wisdom as firmness of purpose and contempt of personal danger.” But to withstand the measures of Edward, a prince unequalled by any who had reigned in England since the Conqueror, for prudence, valour, and success, required a far more intrepid patriotism ; it is, therefore, to the sacred names of Humphrey Bohun, earl of Hereford and Essex, and Roger Bigod, earl of Norfolk, that we must award the meed of praise as the greatest patriots England has produced. While Edward was thus engaged on the continent and busied with his domestic concerns, the tyranny of the English viceroy, and the returning sense of shame, drove many of the Scottish nobles, who had submitted, to join the national standard ; and in the famous battle of Stirling the English were completely routed and driven across the border. Wallace having accomplished the independence of his country, assumed the government of the kingdom in the name of John Baliol, who was still prisoner in England ; but jealousy and discontent weakened the energies of his party, and as soon as

* British Constitution, chap. iii. p. 39.

Edward returned from the continent, he summoned the feudal militia to meet him at Carlisle, and entered the kingdom of Scotland at the head of an army of 80,000 men. Unable to resist so formidable a force in the open field, Wallace would have retired before the enemy, but the Scots, impatient of delay, demanded to be led against the invader, and in the fatal battle of Falkirk their forces were entirely overthrown. This was a glorious victory for the English, but it ought to have taught Edward the futility of expecting an easy conquest; for no sooner were the Scots dispersed than they formed again, and the English were once more compelled to recross the frontiers. Upon this the king of England concluded peace on the continent, and devoted his whole energies to the northern campaign: before so powerful an enemy the Scots lost all hope, and submitted to the yoke they were unable to avoid. Conscious of the insecurity of his conquests, Edward offered exorbitant bribes for the discovery of the Scottish patriots, who had taken shelter in the mountain fastnesses, and, be it spoken to the shame of human nature, Wallace, the defender of his country's independence, was basely betrayed by his friend and companion Sir John Menteith.* After being subjected to a mock trial, in which the hardy patriot evinced the greatest magnanimity and fortitude of mind, he was sentenced as a traitor to undergo the extreme penalties of the law; and severe as was this sentence, it was insufficient to satisfy the revenge of the relentless monarch, who, to add infamy to punishment, is said to have introduced on this occasion the brutal practice of drawing and quartering. The national spirit was again roused to resistance, and Robert Bruce, the grandson of Baliol's competitor, valiantly undertook the vindication of his country's freedom, and the English were everywhere surrounded and driven from the country. Exasperated at this new disaster, Edward was preparing a signal vengeance, but was prevented by his sudden death at Carlisle. Extensive as were the conquests of Edward, they had no sensible tendency to increase the power of the crown; Scotland especially was a great drain on the national resources, and Wales, recently subdued, required the presence of a numerous force, while neither of these dependencies supplied the least return either in men or money. On the continent Edward's exertions were not generally crowned with success, and the danger and difficulty of defending these distant possessions over-balanced any benefit to be derived from

* According to Langtoft's Chronicle, Sir John Menteith prevailed on his man Jack Short to betray Wallace, and caused his seizure in bed at Robroyston on the 5th of August, 1305; and Wynton says,

"Jhon of Menteth in his dayis
Dissavit good Willame Walays."

them. Under these adverse circumstances Edward was frequently driven to seek from parliament extraordinary aids, and as the growing sentiments of freedom rendered it more difficult to exact those exorbitant fines which had filled the coffers of former princes, the king found it more prudent to appeal to the generosity of his people than to resort to these unpopular measures; the principle of self-interest further encouraged the summoning of the commons to parliament, since, whatever may be the cause assigned, much more was granted in subsidies, after the representation of the towns commenced, than had ever been extorted in tallages. Thus was the king led to court the assistance and interference of the commons in matters of government, since it furnished the easiest means of supplying his wants without risking the allegiance of his people: at first, the duty of the commons appears to have been confined to the granting of supplies, but petitions were soon annexed to their money bills, and a series of innovations gradually extended the power of their body, until at length they came to enjoy the important influence which the lower house at present possesses. When once the people had acquired a legal mode of expressing their opinions, the weight of the masses could not fail to be felt. Edward I. even went so far in courting the favour of the commons as to solicit their interference in matters of peace and war; but they wisely declined entering into such matters, respectfully replying—"that whatever pleased the lord the king, for the safety of his dominions and the security of his just claims, was pleasing to them." It was thus that the two great constitutional principles of popular representation and parliamentary taxation were established in this reign. The improvement in the English law, for which Edward is so justly famed, cannot be attributed to the wisdom of the commons or the advantages of a popular representation, since down to the time of Edward I. all laws appear to have been drawn up and proposed to the two houses by the king; * it is therefore to the superior wisdom of Edward, and his skill in selecting ministers, that we must attribute the greater part of the changes which were then effected. Next in importance to the statute *de tallagio non concedendo*, was the famous statute *de donis*, which granted to the nobles the privilege of entailing their personal property; and by this means a considerable increase of power was acquired by the barons and landed proprietors, while the laws of mortmain, by restraining the alienation of lands to ecclesiastical or charitable institutions, diminished the power of the clergy in civil matters, and consequently augmented the influence of the people, as the weight of the clergy was mainly felt in the upper house.

* Hale's History of Common Law, p. 16.

CHAPTER X.

FROM THE ACCESSION OF EDWARD II. TO THE DEATH OF
EDWARD III. A.D. 1307—1377.

Edward II.—His partiality for favourites—Unpopular truce with Scotland—Parliament demands the banishment of Gaveston—Right of petitioning the crown—Recall of Gaveston—Stormy meeting at Westminster—The Barons appoint a committee of government—Gaveston taken prisoner and executed—The earls of Warwick and Lancaster refuse to join the royal forces—Victory of the Scots at Bannockburn—Edward Bruce crowned in Ireland—The Spencers—The earl of Hereford slain and Lancaster beheaded—Queen Isabella goes to France and raises an army—Deposition of the king—The queen and Mortimer govern the country—Importance attached to constitutional forms—Murder of Edward II.—Edward III.—His minority—Assumes the government and brings an impeachment against Mortimer in parliament—Defeat of the Scots at Halidown Hill—Edward lays claim to the crown of France.

EDWARD II. A.D. 1307—1327.

EDWARD II. found difficulty enough in satisfying the cravings of his favourites without prosecuting the war against Bruce. An ignominious truce was therefore concluded with Scotland, and the king hastened to London to pass his time in the company of his favourite Gaveston, who was a young man of accomplished parts, but dissipated and overbearing in his conduct. Whilst prince of Wales, Edward had formed so strong an attachment to him, that the king, fearing the effects on the prince's mind, had banished Gaveston the realm, and exacted of his son a solemn promise that he would never suffer him to return. Edward, forgetful of his father's dying injunction, no sooner ascended the throne than he recalled the banished favourite to his court, and heaped upon him every honour and reward; the royal duchy of Cornwall was conferred on him for life: the honour of carrying the crown before the king at his coronation still further excited the jealousy of the ancient nobility; but the childish fondness with which the king embraced his favourite Gaveston on his return from France with his bride Isabella, excited the contempt and derision of the whole nation. Gaveston's government of the kingdom during the absence of Edward was exceedingly unpopular,—and the parliament which met in 1308 demanded his unconditional banish-

ment and disgrace. Edward promised to comply,—but no sooner had present danger ceased than the king bestowed on him new honours and made him governor of Ireland. The popular indignation was raised to the utmost, and the parliament, which was called upon to grant the king supplies, complained of the infringement of the charters and the mal-administration of the affairs of the kingdom.

Edward, however, mitigated their resentment by new promises of amendment, and the commons consented to grant a twenty-fifth penny of their goods, on “this condition, that the crown should take advice and grant redress upon certain articles wherein they were aggrieved.” A petition was accordingly drawn up and presented to the crown, which, as it forms the first example on the rolls of parliament of petitions attached by the commons to their money bills, is of considerable importance, since to make known their grievances was the first step towards their redress; and by a wise and moderate exercise of their power, the burgesses and knights continued to address the crown in the most respectful though firm language, till they obtained by entreaty that which no violence could have effected.

Amongst other minor abuses, the commons complained that the laws were not duly administered,—that purveyance was carried to an intolerable extent,—that new customs were imposed on foreign imports without the consent of parliament,—that writs of protection shielded felons from punishment, and perverted the administration of justice,—that unlawful tallages were imposed on the towns and fairs, and that the king’s officers deprived men of their lawful inheritance without just cause; all which petitions were favourably answered by the king, but subsequently neglected: it was, however, an important step that the commons had gained in establishing the privilege of presenting their grievances to the crown.

Affairs having assumed a more favourable aspect, the king ventured to permit his unpopular minister to return; but, untaught by experience, neither the king nor his minion reformed their ancient courses, and the increasing necessities of the kingdom compelled the king once more to summon a parliament at York. The barons, however, refused to attend, and Gaveston, perceiving the danger of his position and the difficulties into which he had brought the king, escaped to the continent, while the barons, somewhat appeased by their apparent triumph, met at Westminster, followed by their armed retainers, where, in a stormy session, they passed a sentence of perpetual banishment on Gaveston, and compelled the helpless monarch to consent to the appointment of a committee of government: eight earls, seven

bishops, and six barons were accordingly appointed under the title of ordainers, with full power to regulate the royal household and redress all manner of grievances.

It was exacted by the ordainers, that a parliament should be held at least once a year, and that the king should neither be permitted to levy war nor depart the kingdom without the consent of his nobles; that the regent in his absence should be chosen by parliament, and that all the officers of state and governors of the foreign possessions of the crown should be appointed with the advice and consent of parliament. These articles, in effect, transferred the whole functions of the government from the crown to the parliament. As soon as parliament was dissolved, notwithstanding his sentence, Gaveston again returned to England, and took the command of the army against Scotland; but the barons appeared in arms, and, after a series of adventures, Gaveston was taken prisoner and brought to Warwick castle. At first the confederate nobles were for sparing his life, but a voice exclaimed, "If you let the fox go, you will have to hunt him again;" and the council finally determined on his execution: he was led out to a neighbouring heath, and there beheaded. When the news of these proceedings reached the king, he fell into a paroxysm of rage, but time and reflection showed him that it would be madness to resist; and in the spring of the year 1314, the Scots having retaken most of the strongholds in their country, Edward advanced against them with a force of 100,000 men. The Scottish army (according to the poet Barbour) scarcely amounted to half that number; but the presence of the brave and patriotic Bruce inspired the Scots with courage, and inflamed their national love of independence, while the English wanted both generals to lead them, and heart to engage in the cause: the earls of Warwick and Lancaster, the bravest and most popular of the English nobility, had refused to serve in the expedition, and retired from court in disgust.

When the king came up with the Scottish forces at Bannockburn a fierce engagement ensued; the Scots received the charge of the English infantry with courage, and Bruce, coming on with his reserve, took the English in flank; a universal panic spread through the ranks, the bravest of the knights broke and fled; the victorious Bruce pursued the fugitives for nearly 100 miles, and the king himself never halted till he had reached Dunbar. This decisive victory secured the independence of Scotland, but it served to increase the discontent and insubordination of the English nobility.

The war which the English had commenced in Scotland was transferred to their own dominions by the skilful management

of Bruce: finding the weakness of the English monarch, the king of Scots sent his brother, Edward Bruce, with a small army into Ireland, where he soon overran the whole of the northern part of the island, and was crowned king of that country in the following year. The English possessions were invaded and harassed, but Edward took no measures for their rescue: his new favourite was Hugh le Despenser, the son of an English gentleman of good family and fortune, but utterly incompetent to manage the affairs of state. The barons, who still cherished their abhorrence of favourites, resented the appointment of an upstart to the royal favour, and marching to Westminster, compelled the king to assent to the banishment of the Despensers; but this solemn engagement was as ineffectual as those which had been extorted from the king in the time of Gaveston, and Edward soon found an opportunity of revenging himself on the nobles who had compelled him to consent to this measure. Marching to the north, he attacked the confederate barons; the earl of Hereford was slain, and the brave earl of Lancaster, grandson of Henry III., was beheaded at his own castle of Pontefract. Despenser now returned to the king's favour; but a new plot was set on foot by Queen Isabella, who, being captivated by the graceful demeanour of a young nobleman, Roger Mortimer of Wigmore, one of the lords marchers of Wales, obtained permission to go to France to accommodate some differences which had arisen with her brother, respecting the homage of the King of England for his continental dominions. When once there, she peremptorily refused to return, or to let the young prince, her son, come to England, unless the king would promise to dismiss his favourites. This proceeding was exceedingly popular in England; and the queen having obtained some troops from the count of Hainault, to whose infant daughter she had affianced her son Edward, set sail for England, and landed at Orwell in Suffolk, with the avowed object of rescuing the king and kingdom from the tyranny of the Despensers, and restoring the constitutional power of the crown, but with the real design of deposing her husband and gratifying the indulgence of her criminal passion for Mortimer. Immediately on her arrival, the king's brothers, the earls of Kent and Norfolk, with many of the nobility and prelates who favoured the popular side, resorted to her standard; till at length the king, aroused by so formidable an armament, despatched Robert de Watteville with an army to oppose the march of the insurgents on London. The royal forces, however, went over to the queen's party, and the king in vain besought the citizens to arm in his defence: finding himself thus abandoned and despised, he at length fled with Despenser to the marches of Wales. Here for three days

the elder Despenser delayed the progress of the victorious troops by his noble defence of the citadel of Bath, while the king and his favourite endeavoured to effect their escape to Lundy Island, at the mouth of the Channel; but adverse winds drove them again on the coast of Wales, where Despenser and the obnoxious chancellor Baldock were discovered and brought to trial; and the unfortunate king, finding no means of escape, delivered himself up to the mercy of his enemies. The barons of the queen's party, who had assembled at Bristol, declared the throne vacant by the desertion of the king, and appointed Prince Edward guardian of the kingdom: this decision, harsh as it may have appeared, was shortly after confirmed by parliament (Jan. 7, 1327), and the nobility, with the exception of four prelates, swore fealty to the prince. The next step was to extort from the king, who was in confinement at Kenilworth, a voluntary resignation of the crown; and on the 24th his son Edward III. was proclaimed by the heralds.

Notwithstanding the violent character of these proceedings, especial attention appears to have been paid to the forms of the constitution; and although it is highly improbable that any regular parliament could have been sitting at either Bristol or Hereford, yet the form of the king's indictment professes to have been drawn up by the prelates, earls, barons, and knights, with the assent of the whole commonalty of the realm,—an evidence of no small importance, as it shows, by the mere mention of the commons, that they were presumed to enjoy a constitutional right of participation with the peers in all measures relating to the administration of government.

The house of commons, which had wrung from the strong hands of the first Edward the important privilege of granting supplies, obtained from his son Edward II. the right of being consulted on any changes which might be effected in the law, and advanced a step towards the third great principle of our constitution,—the right of impeaching ministers and inquiring into public abuses, which was further developed under the magnificent reign of Edward III. As far, therefore, as constitutional liberty was concerned, the power of the house of commons was greatly augmented during this reign; but Edward was a weak and vacillating prince, and his want of spirit and energy occasioned more evils to the country than even the arbitrary encroachments of a vigorous sovereign like Edward I. or Henry VIII.; for in those early times, when so much depended on the personal energies of the prince, the reign of a weak monarch was invariably a period of distress. The people could afford to admire the iron rod which reduced them to subjection, while they enjoyed the security it afforded.

In his domestic relations Edward II. possessed many good and amiable traits of character, which would have found a congenial sphere in the retirement of private life; even his attachment to Gaveston or to Despenser, under such altered circumstances, would have been graced with the honourable appellation of a pure and disinterested friendship; but the qualities requisite in a prince are of a sterner and more intellectual class, and require that he should combine the virtues of a private citizen with the firmness and energy of a statesman. The misfortunes which attended Edward's latter years were brought on by his own folly and indecision, and the crimes of those who should have guided and protected him. The queen and her paramour Mortimer, having effected the deposition of the unfortunate king, seized on the reins of government, and kept their court in the strong castle of Nottingham, while the king was committed to the custody of the earl of Leicester, who had succeeded to the title of Lancaster; but the queen being fearful lest he should effect his escape, caused him to be removed, first to Corfe castle, then to Bristol, and finally to Berkeley, where he is said to have been murdered by Gournay and Ogle, at the instigation of Mortimer. One night shrieks were heard to issue from the vaulted chambers of the castle, and in the morning the people were admitted to view the lifeless body of the king: no signs of violence appeared upon his person, but his countenance was distorted, and it was whispered by those who knew the secrets of the court, that the king had perished by a red-hot bolt being inserted into his intestines.

EDWARD III. 1327—1377.

Immediately on the deposition of Edward II., his son Prince Edward was proclaimed, and a council of regency appointed to administer the affairs of the state, as the young prince had not yet attained his sixteenth year. The earl of Lancaster, who had been foremost in resisting the tyrannical measures of the preceding reign, was chosen guardian and protector of the king's person; but the queen-mother and Mortimer divided between them the real power of the state. The Scots, seeing the instability of the new administration, seized this opportunity of invading England; but finding that the young king took the command of the army in person, they retired across the border, and a peace was concluded at the instigation of Mortimer, acknowledging the independence of Scotland, and promising Edward's sister, the Princess Jane, in marriage to the son and heir of Robert Bruce. This measure, although obviously advantageous to the peace of

both countries, was extremely unpopular, and created a general feeling of disgust against Mortimer, who was accused of having betrayed the interests of the English crown. For a time, however, public attention was called off by a pretended conspiracy: the duke of York, one of the most powerful of the English nobility, and uncle of the young king, was led into the belief that his brother Edward II. was still living; and under this impression he entered into a plan for his release. The conspiracy, as it was called, was no sooner formed than discovered, and the unfortunate prince was led to execution, while his honours and estates went to enrich the family of the favourite. The young king, who was not permitted to take any part in the government, beheld with grief these infamous transactions, and determined as soon as he attained his eighteenth year to throw off the restraint imposed on him by his mother and Mortimer. Having concerted measures with Lord Montacute and Sir Thomas Eland, the keeper of Nottingham Castle, he caused a body of troops to be admitted into the fortress by means of a subterranean passage known only to himself and the keeper: Mortimer, who had no intimation of the design, was surprised in his bed, and the queen prevented from interfering in his behalf. (1330. Oct. 20.) On the following morning the king's peace was proclaimed, and Edward, determined to carry the matter with a high hand, summoned a parliament at Westminster, which he opened in person. Articles of impeachment were found against Mortimer for the death of the late king and the earl of Kent, and he was accordingly executed at Tyburn. The queen-mother, on account of her high rank, was permitted to retire to her manor of Risings, near London, where she occasionally received a visit of ceremony from the king her son, but was excluded from all participation in the affairs of government, and not allowed to attend the court.

Edward had not long assumed the reins of government when he determined to renew the war with Scotland, and espoused the cause of Edward Baliol, who had been expelled from that kingdom: marching northwards, he took the town of Berwick, and gained the victory at Halidown Hill, in which Sir Archibald Douglas and many of the Scottish nobility were slain.

While Edward was thus occupied with the affairs of Scotland a wider field suddenly opened to his ambition. Charles IV. of France having died without issue, his nearest of blood were his sister Isabella, mother of Edward III., and his cousin-german Philip of Valois. Incited by this opportunity of extending his dominions, and perhaps persuaded of the justice of his claim, Edward determined to challenge the succession of that kingdom, notwithstanding the provisions of the Salic law. The English lawyers urged,

that although a female was excluded by that law on account of the weakness of her sex, no such objection could extend to her son : but the peers of France, to whom the question was submitted, decided otherwise, and declared Philip of Valois the lawful heir. Edward refused to submit to their award, and as soon as he had collected his resources, he assumed the title of king of France, and entered into a treaty with the Flemings to espouse his cause. To procure funds for this expensive war, Edward raised arbitrarily the impost on tin and wool, and even compelled the merchants to lend him a sum equal to the whole value of the wool exported. The commons resented this arbitrary proceeding, and stoutly refused to grant any subsidy unless the king would consent to abolish the obnoxious imposts, and allow them to appeal to their constituents; "inasmuch," say they, "as the impost on wool and lead is enhanced without assent of the commons or of the lords, as we understand, it is illegal; and on that account any one of the commons may refuse its payment without being troubled." This was bold language indeed to be used by an assembly which had scarcely acquired the means of making its power felt; for although the statute entitled *Confirmatio Chartarum* had rendered such arbitrary impositions illegal, yet the power of the king to levy tallages at will had never entirely ceased,—and Edward was not a prince likely to surrender any of the power his ancestors had enjoyed : but the expense of this foreign war led him to submit to interference on the part of parliament, which he would not otherwise have tolerated. "Conquerors," observes a modern historian, "though usually the bane of human kind, proved often, in these feudal times, the most indulgent of sovereigns. They stood most in need of supplies from their people, and not being able to compel them by force to submit to the necessary impositions, they were obliged to make them some compensation by equitable laws and popular concessions." * Edward III. more especially courted the interference of the commons, as he thought by making them parties to his designs the more easily to procure the necessary supplies : hence that assembly rose into greater consideration and acquired a more regular authority during his reign than at any former time ; nor is this to be wondered at, when we call to mind that after the admission of the towns to parliament, greater sums were granted in subsidy than had ever been extorted in tallages.

During the two preceding reigns the commons had acquired the sole right of taxation and a voice in all alterations in the law : they now proceeded to the reform of public abuses and the impeachment of offending ministers. This was the great acquisition

* Robertson's History of Scotland.

of Edward's reign, and to it we shall have occasion to refer at a later period of his history. Having obtained a new supply from parliament, Edward vigorously prosecuted the war with France, and gained a great naval victory in the harbour of Sluys, in which the enemy lost 230 ships and 30,000 seamen; but his transactions on land were not equally successful, and he was obliged to return to England for supplies. During this interval a truce was set on foot with Philip, but it was of short duration, and in the month of July, 1346, the king again crossed the Channel with an army of 4,000 men-at-arms, 10,000 archers, and about 16,000 light troops, accompanied by the prince of Wales, who had attained his 15th year, and was desirous of meriting the honour of knighthood with which he had been lately invested. The King of England advanced into the heart of France, where he met Philip near the village of Cressy with an army of 100,000 men. Having drawn up his little army on the rising ground, the king and the prince of Wales waited the first shock of the enemy: as the French advanced, the English archers discharged their arrows with such effect that the wing of the French army opposed to Prince Edward began to falter: seeing their confusion, the prince pressed forward with his best troops and engaged the enemy hand to hand. Some of the nobles, fearful for his safety, and seeing him surrounded by superior numbers, sent to the king, who was in command of the reserve, to come to his aid: "Then," said the king, "is my son dead, or hurt, or on the earth felled?" "No, sire," was the reply of the knight, "but he is hardly matched, wherefore he hath need of your aid." "Well," said the king, "tell him to win his spurs, for the glory of the day shall be his." At this critical juncture Alençon, the bravest of the French generals, fell, and the chances of the day were at an end. The king of Bohemia, the duke of Lorraine, and a great part of the French nobility, were amongst the slain, and Philip himself was hurried from the field by one of his knights, who, seizing the bridle of his horse, compelled him to seek safety in flight. Amongst the spoils taken after the battle was a splendid plume of ostrich feathers worn by the king of Bohemia, which, being placed in the prince's helmet as a memorial of the victory he had gained, has since been adopted as the badge of the princes of Wales, with the motto '*Ich dien, I serve*.'

But the most extraordinary feature of this battle was the introduction of cannon, which are said to have been placed in the front of the English line, and to have greatly contributed to throw the enemy into confusion: this, however, must have been

* This is the generally received opinion, although there is great probability that the plume of ostrich feathers was borne by the princes of Wales anterior to this event, and some historians suppose the motto to be of Welsh origin.

more by the noise and smoke which they occasioned than by any actual danger; for being made either of leather or bars of iron closely bound together, and unfurnished with carriages, they were almost as dangerous to the soldiers who served them as to the enemy against whom they were directed: however, from this time the introduction of gunpowder gradually produced an entire alteration in the mode of warfare, and although apparently so destructive, this invention has certainly proved one of the most beneficial to mankind. "Nations," observes a judicious writer, "are more upon a level, as less depends upon frantic exertions of courage, and consequently, from a consideration of an equality of strength, the peace of kingdoms is better preserved."*

While Edward was thus engaged on the continent, his queen Phillippa, to whom the regency of the kingdom had been intrusted, repelled the incursions of the Scots, and took their young king, David Bruce, prisoner: she then went to the continent to join her husband before the walls of Calais, to which town he had laid siege after the battle of Cressy. Fearing to lose so important a city, Philip marched to its relief with 150,000 men; but he was again compelled to retreat, and after a blockade of eleven months the town surrendered at discretion. Edward granted to the inhabitants their lives, but expelled them from the town, and demanded that six of the richest burgesses should be delivered up to his vengeance: Eustace de St. Pierre, John Dacre, James and Peter Wisant, and two others whose names history does not record, nobly volunteered to resign their lives for the safety of their fellow-citizens, and dressed only in their shirts, went bare-foot, with halters round their necks, to present the keys of the town to Edward, who ordered them to immediate execution: but the prayers and entreaties of the queen procured their pardon;—she then ordered clothes to be brought them, entertained them in her tent, and dismissed them with presents.

About this time the plague, which had passed through Asia and Europe, appeared in France, and from thence spread into England, where one-third of the people are said to have perished by its ravages; in London, more especially, it raged with unexampled fury,—200 persons died every day, and by the end of the year 50,000 persons had been buried in one graveyard, that of the Carthusian monks, now known as the Charterhouse in the vicinity of Smithfield. This dreadful mortality disorganised society, the ties of family and friendship were broken, the public business was suspended, and the courts of justice closed. "As the lower classes were the principal sufferers, men could not be found in sufficient numbers to cultivate the ground or

* Tytler's Universal History, book vi. chap. xii. p. 65.

to make the necessary agricultural implements. Hence all kinds of workmen and labourers demanded exorbitant wages,—the landlords gave up their rents,—the barons exempted their vills from their quota of labour,—and the farmers permitted their standing crops to rot in their fields.” Edward “fancied he could remedy these evils by fixing the maximum price of provisions, and by ordering every man to resume work at the same wages as before, limiting the number of labourers to be employed on each acre of land, and prohibiting the charitable from giving alms to able-bodied mendicants. The pillory, imprisonment, and fines were the mildest penalties inflicted on the transgressors of this law.”* After the plague had disappeared, famine preyed upon the miserable people,—the oxen, horses, and sheep died by thousands in the fields, of a direful contagion, and banditti infested the country. Nothing can show more clearly the degraded condition of the people in the middle ages than the fearful ravages of the plague and black death, which were then epidemic in every country of Europe, as they are at present in Cairo and the countries of Asia Minor. Even the best towns were exceedingly filthy,—the sewers flowed through the middle of the streets, which were unpaved,—the water was carried in buckets from the rivers, and the houses were built of wood and thatch,—but little regard was paid to cleanliness, or even decency, and the small freeholders and worthy yeomen of those days were in a far lower condition of social comfort than the agricultural labourer of our own: notwithstanding the smallness of the population, which scarcely exceeded 3,000,000, the means of subsistence were more precarious than at present, and articles of every-day use now, were then the luxuries of the rich. To restrain the taste for elegance in dress and refined manners, the king passed a series of sumptuary laws, prohibiting the use of silks, furs, gold brocade, ornaments of gold and silver and precious stones, to all but the most wealthy nobles in the state: these laws which were designed to improve the virtuous habits of the people, operated detrimentally on commerce, by driving the skilful workmen, who depended on the growing refinement of the better classes, to seek employment in other countries where such stringent laws were not in force.

The country being unable to sustain the expense of the war, Edward was forced to conclude a truce with France, by which Calais was ceded to the English crown. On the death of Philip, his son John succeeded to the French throne, and Edward again urged his claims to France, but, after some negotiations offered to resign his pretensions on condition that the provinces which

* History of Great Britain, by Dr. White, p. 146.

had formerly been held by the English crown should be restored. This being refused, he despatched Prince Edward (surnamed the Black Prince) to the continent with a small army of 12,000 men until he should take the field in person: so brilliant was the success of the prince, that he not only defeated the French army, which numbered six times his own, but took the king and his son prisoners, at the battle of Poitiers. Thus the princes of two neighbouring nations, David of Scotland and John of France, were prisoners at the same time in London. No satisfactory conclusion, however, was obtained: notwithstanding the king was prisoner, France was not subdued, and the English parliament again remonstrated with the king on the expense of the war and the arbitrary impositions which he imposed. At length, wearied out with delay, and unable to secure the conquest he had gained, he consented to restore the French king to liberty on the payment of a ransom of 100,000 marks, and the surrender of the provinces of Poitou, Saintogne, and Perigord; but John, finding it impossible to raise so large a sum on the exhausted resources of the country, and failing to persuade the people of France to ratify the conditions of the treaty, honourably returned to his captivity in London, "For," said he, "I hold it as an established maxim, that even if good faith should be totally forgotten by the rest of mankind, it ought still to find a place in the breast of princes." Edward's government began now to assume a more regular character, for the line of demarcation between the royal prerogative and the rights of parliament was better defined, and fewer complaints appear on the rolls of parliament of arbitrary exactions and illegal impositions: yet the liberty of the subject was far from secure; the king still continued to charge the people with providing men at arms, light cavalry archers, provisions and stores for his army; and although the commons frequently remonstrated, the king replied that it was for the public good, and that his prerogative was sufficient in such instances of emergency. The commons however persevered in their complaints, till at length, in 1351, a statute was passed rendering all such exactions illegal without the express sanction of parliament,* and restricting within very narrow limits the doubtful prerogative of levying troops for foreign service.

After the close of the session, the king, in accordance with the petition of the house of commons, drew up a statute defining the exact circumstances which constituted a treason, whereas in former times, owing to the vagueness of the old treason laws, almost any offence might be construed into a crime against the crown; and as the property of the attainted criminal went to

* 25 Edward III. stat. 5, c. 8.

replenish the king's coffers, it too frequently happened that the judges brought in a man guilty of treason whose offence merely extended to felony or breach of the king's peace. This famous law, which procured for those who obtained its enactment the name of the Blessed Parliament, restricted treason to the three cases of compassing the king's death, levying war against him, or aiding his foreign enemies within his realm, which, with slight variation, continues the existing law.

Subsequent parliaments imitated the example of this remarkable session, and by annexing conditions to their money bills gradually acquired new privileges. The power of suspending the course of justice at pleasure, of seizing vessels belonging to merchants for purposes of war, of pressing sailors for the royal fleets, and compelling the nation to supply soldiers for his foreign wars, were successively wrested from the powerful hands of Edward, and the commons even went so far as to petition against the creation of monopolies—the interference of the privy council in private suits—the imprisonment of members for expressing their sentiments in parliament—and the exaction of forced loans; but these latter grievances were never adequately redressed, and continued for two centuries longer to fill the rolls of parliament. The privileges, however, which had been gained were of no ordinary moment, and the people more especially rejoiced in being exempt from compulsory service in the foreign wars, which of late had been carried to such an extent as to endanger the personal liberty of the subject. Deprived of the power of conscription, Edward was obliged in future to raise his forces by voluntary enlistment, and for this purpose generally contracted with some influential noble to furnish a certain number of troops at a specified rate, but the charges demanded were often exorbitant, and the success of the campaign always uncertain, as the army could only continue in the field so long as the exchequer was kept supplied.

On the death of John, his son Charles the Wise succeeded to the throne of France; he was a prince of consummate skill and experienced valour: by his prudent foresight, whilst dauphin of France, he had preserved that kingdom from ruin, and now he displayed his talents by avoiding a general engagement, and strengthening the natural resources of his kingdom. Failing in the conquest of France, the Black Prince turned his attention to Spain, where Pedro, surnamed the Cruel, had been expelled from the throne of Castile for his tyrannical conduct. With the aid of the English forces, Pedro again entered his country, and the prince of Wales defeated the French army under the command of the celebrated generals Henry of Transtamare and Bertrand du Guesclin; Pedro

was restored, but the fatigues of war, and the unhealthy climate of Spain, had broken the constitution of the prince, who returned to England only to languish out the last stage of a mortal disease, and died in the forty-sixth year of his age, to the infinite grief of the people, who beheld in him a prince of unsullied virtue and uncompromising valour. Edward III. survived his valiant son but a year, leaving the kingdom to his infant grandson Richard II.

The ascendancy of the duke of Lancaster and Alice Perrers, during the latter years of Edward's reign, cast a gloom over his otherwise brilliant administration. Through their influence the courts of justice was perverted, and the prince of Wales seems to have entertained suspicions of a design for depriving his infant son of the succession. At least, in the important parliament which met in April, 1376, he strongly favoured the popular party,—a proceeding otherwise unaccountable,—which sought to bring an impeachment against the measures of the king's ministers. Backed by so powerful a supporter, Peter de la Mare ventured to lead the opposition in the house of commons, where the first stand was made for that great principle—"the right of the commons to investigate and chastise the abuses of administrations." After having granted the king a subsidy, they prayed that he would strengthen his council by the addition of ten or twelve bishops and lords, who might constantly advise him on the management of the state; for, say they, "If their said liege lord had always possessed about him faithful counsellors and good officers, he would have been so rich that he would have had no need of charging his commons with subsidy or tallage, considering the great ransoms of the French and Scotch kings, and of so many other prisoners; and that it appeared to be for the private advantage of some near the king, and of others by their collusion, that the king and kingdom are so impoverished, and the commons so ruined: and they promised the king that if he would do speedy justice on such as should be found guilty, and take from them what law and reason permit, with what had been already granted in parliament they will engage that he should be rich enough to maintain his wars for a long time, without much charging his people in any manner." The lords Latimer and Nevil, and the merchants Lyons, Ellis, Peachey, and Bury were accordingly impeached for waste of public money, and Alice Perrers was prohibited from meddling in private suits under pain of banishment and confiscation. As early as 1342, a similar attempt had been made to render public ministers amenable to parliament, but without success; for the judges and other officers of the crown who were most interested in the measures entered a

protest on the rolls of parliament, and in the ensuing session procured its repeal. This proceeding was the more remarkable as furnishing the earliest instance of a protest being entered against the passing of an act, a practice which has subsequently become of considerable importance in our parliamentary proceedings. The measures of the commons with regard to the church were still more extraordinary. We have already seen how ineffectual were the attempts of a prince even like Henry II. in restraining the exorbitant pretensions of the Romish see, and it therefore becomes no inconsiderable matter of surprise that the commons were so successful in their first attempts. For some time the court of Rome had been deriving a princely revenue from the fines and dues payable by the English church, which some years amounted to 60,000 or 70,000 marks, a sum exceeding the whole revenue of the crown; but Clement V. imposed a new tax called First-Fruits, which consisted of the first year's revenue of all the benefices in England. This tax was particularly obnoxious to the English clergy, who regarded it as an unjustifiable encroachment on their liberties, and the attempt of the court of Rome to extend the power of nomination not only to vacant bishoprics but also to inferior benefices called forth an universal burst of opposition. At length, in 1344, these evils had grown to such an extent that the commons introduced a statute against provisors, by which the introduction of provisional letters, as the pope's briefs of nomination were called, were prohibited under the severest penalties, and all appeals to the court of Rome declared illegal: the parliament even went so far as to threaten the expulsion of the papal authority by force if the pope should resort to stringent measures, and voted the vassalage and yearly rent to which king John had subjected the kingdom to be null and void.

"If we reflect," says Dr. White, "upon all that must have been said on both sides during the important discussion which thus limited the temporal power of the popes, we shall come to the conclusion that the seed was already sown that was to produce the Reformation, which occurred a century later." The boldness with which the commons expressed their opinions on these important questions, shows the extent to which the spirit of civil and religious liberty had advanced during the reign of Edward III.; and although the popes contrived to evade these statutes, the commons again petitioned the king for the stricter observance of the penal laws against provisors, and promised to support his measures in case of necessity. This opposition to the encroachments of the papal authority was augmented by the preaching of Wickliffe, a poor priest, who exposed with such

eloquence and boldness the unprofitable lives of the mendicant orders of friars, and the abuses which had crept into the church, that the subject was taken into consideration by Islip, archbishop of Canterbury: he appointed Wickliffe to the wardenship of a college at Oxford; but on the death of Islip, his successor in the primacy deprived Wickliffe of his preferment, and the pope confirmed the sentence of deprivation. This unmerited interference incensed the preacher so much that he extended his criticism to the whole state of the Romish church, and attacked not only the doctrines but the lives and discipline of the popes and higher order of clergy, whom he styled the true antichrists. Although not inclined to go the whole way with Wickliffe, most of the English clergy approved the measures of parliament, and even admitted the justice of his remarks. Owing to the peculiar relation in which England stood at this time with respect to the Romish see, Wickliffe escaped persecution, and the king even presented him to the living of Lutterworth, in Leicestershire, where he gained many disciples to his views, and established a new order of clergy called "the poor priests." These men, inspired by the zeal of new converts, refused the livings and preferments of the Romish church, and went through the country, inveighing against its abuses. Although the doctrines of Wickliffe were condemned by the council of Constance, they continued to exercise a vital influence on the progress of opinion, and two centuries later were adopted by Huss and Martin Luther as the basis of the Reformation.

The reign of Edward III., which extended over more than half a century, has always been remembered as one of the most glorious in the annals of England. While the splendour of his foreign victories restored the ascendancy of the English arms and rendered the nation respected, his political talents and wise legislation raised the social condition of the nation, commerce and industry advanced, and although his foreign wars drained the resources of the country, domestic tranquillity and advancing liberty soon retrieved these temporary losses, and infused a new vigour into the constitution. Overawed by the valour and spirit of their prince, the power of the nobles was restrained within very moderate limits, and the commons acquired both wealth and influence in the state. In addition to the important privileges acquired by parliament, the general administration underwent a salutary change. Nearly two centuries had elapsed since the English language had been superseded by the Norman French both in Parliament and the courts of law, and now for the first time parliament was again opened in the English tongue, and all public documents were written either in English or Latin. The

more revolting corruptions of justice were reformed ; the sheriffs and coroners, who had formerly held their offices for life or during pleasure, were appointed to be annually elected from the wealthier classes ; fixed salaries were allowed to the judges, and such improvements were made in the whole practice of the law, that Sir Matthew Hale observes, "The judges and pleaders were very learned, the pleadings were more polished than in the time of Edward II., yet they have neither uncertainty, prolixity, nor obscurity ; so that at the latter part of this king's reign the law seemed to be near its meridian."

As the administration of the law is of the utmost importance to the security of private liberty, it will be requisite, before closing this chapter, to take a summary view of the three branches of the English law,—the common, civil, and statute. The common, or, as it is frequently termed, the unwritten law, is so called because the statutes or laws on which it is founded have been lost, and are only remembered in the practice of the courts : some of its decisions no doubt are founded on the traditional customs of the ancient Saxon tribunals, but the most part of the common law bears impress of its Norman origin, and is derived from acts of parliament passed in the times immediately succeeding the Conquest, and consequently has the same origin with the statute law, only with this difference, that whereas in the latter instance the laws themselves have been preserved, in the former they are only evidenced by the decisions on *record* which have been made in accordance with their provisions. This practice of enrolling the judgments of the court for the guidance of future decisions has been practised from time immemorial, and forms the only means of ascertaining the principles by which the course of the common law is directed. As these *Records* in course of time became very voluminous, extracts from them were regularly made and published under the name of *Reports*, some of which extend as far back as the reign of Edward II. and still form the basis of the existing law.

The principal subjects of which the common law takes cognizance are the inheritance and conveyance of property, the various modes of tenure, and the validity of contracts. In all these points the common law of England differs very considerably from the civil code which has been adopted by most of the other countries of Europe. For instance, by the common law of England the eldest son succeeds to the real property of his father, to the exclusion of his brothers and sisters, whereas by the civil law the property is equally divided amongst the children : by the former a written document is sufficient to effect a legal transfer of land, but the latter requires that seisin or actual

possession should also have been given, and the same is the case with most other instances.

When the Pandects of Justinian were discovered at Amalphi, the superiority of the civil or Roman law, which was founded on the experience of the civilised world, was universally admitted, but in England, owing to its introduction by the clergy who alone could understand or interpret it, an idea of absolute power and ecclesiastical domination, became associated with its decisions, and hence both the nobles and the people resisted its introduction with a degree of determination and pertinacity seldom evinced in these early times; even in the few instances where it has been subsequently admitted by the English lawyers, it is comprehended under the unwritten law, because it is of force only so far as it has been authorised by immemorial custom: and in the admiralty and ecclesiastical courts, where its principles are admitted, it is *lex sub lege graviori*,—subject to the superior constraint of the statute and common law.

It now remains to say a few words on the statute or written law, which, as the term implies, consists of the statutes and acts of parliament which are collected and arranged for ease of reference, and the originals of which are carefully preserved. As these statutes are the expression of the will of the nation, and have received the sanction of the king, lords and commons, they are held to be inviolable, and have a superior power either to the common or civil law. It is therefore requisite that all judgments should be made in accordance with their provisions, and the judge is bound in all cases to decide the suit in conformity to the law as so expressed, even if the practice of the common law or the declaration of the civil law should be different.

Another important feature of Edward's reign was the foundation of our manufacturing industry. In former times the English exports had mainly consisted of wool, hides, timber, corn, and other agricultural produce, which the merchants exported to Flanders and Italy in exchange for their manufactured goods. Edward, observing the wealth which these countries acquired from the manufacture of the commodities which England exported in a raw state, determined to introduce into his own kingdom a knowledge of these arts, and in 1331 invited over a number of Flemish artisans, who, discontented with the restrictive regulations imposed on their trade by the selfish spirit of their corporations, gladly accepted his invitation, and settled in Norfolk, where they introduced the manufacture of fine woollen cloth, which had previously been unknown in England. The English, always jealous of the favour shown to foreigners, believed that the wealth which

these men acquired by their industry tended to impoverish the country people, and the corporations more especially thought that their trade would be hindered by their gains being shared with others. Edward, however, turned a deaf ear to these complaints, and in a short time a flourishing trade was established in cloth, which has ever since remained one of the staple commodities of England. We may here remark, that the history of corporations furnishes some remarkable anomalies. In the infancy of commerce these associations were of the utmost importance in protecting the merchants from the arbitrary extortions of the nobles, and enabling them to act in concert; but in later times, when security had become better established, we shall often find them opposing the progress of industry by restraining the energy of individual enterprise, and preventing the introduction of foreign improvements. At some periods even monopolies have proved beneficial to certain branches of industry, by confining special attention to the manufacture, and providing a market by the exclusion of foreign competition, but as soon as the trade has been firmly established, these restrictions have invariably proved detrimental. "This brings to our minds," says Mr. Hallam, "one cardinal truth, that political institutions have very frequently but a relative and temporal usefulness, and that what forwarded improvement during one part of its course may prove to it in time a most pernicious obstacle."* This must not, however, be understood of the political influence of our corporations; they have been mainly instrumental in preserving the right of self-government and the local administration of affairs—two sacred principles which ought not to be sacrificed for any advantages which centralization can offer. History furnishes many examples, too, where our corporate towns have stood firm in the cause of liberty, and in times of difficulty formed as it were a nucleus round which the commons might collect their strength; for not being bound by any political creed, but only associated by common interests and feelings, they neither excited the jealousy of the crown nor were leagued to any particular party.

Notwithstanding the important concessions which had been made, there still existed one intolerable abuse which pressed with particular weight on the mass of the people,—the right of purveyance. Whenever the king proceeded on a progress through the country, the districts through which he passed were compelled to supply provisions for his household, and if a palace or public building were to be erected, instead of engaging labourers for wages, writs were sent to the several shires requiring them to furnish a certain number of carpenters, masons, tilers,

* Hallam's Middle Ages, iii. 379.

and other artisans, who were levied like soldiers, and compelled to serve till the work was finished without any other pay than that which the sheriff of their county might be pleased to allow; and in this manner the magnificent structure of Windsor Castle was raised in the reign of Edward III., who, although he granted so many concessions, refused to give way on this important point, and for three centuries longer the right of purveyance continued in full exercise.



Costume of Edward II and Edward III.

THE CONSTITUTIONAL HISTORY OF ENGLAND.

CHAPTER XI.

RICHARD II. A. D. 1377—1399.

Improved condition of society on the accession of Richard II.—Influence of the doctrines of Wickliffe—Rising power of the towns—Revolt of the peasantry—Charters of manumission—Valiant conduct of Richard II.—His character—Parliamentary committee of reform—Revocation of the charters of manumission—Control of the commons over expenditure—Bold language of the commons—Commission of reform—Opinion of the judges—The king's unpopularity—Lords-appellant—Impeachment of ministers—Retirement of Gloucester from power—Treacherous conduct of the king—Period of reaction—First introduction of a standing army—The crown becomes absolute—Banishment of the earls of Hereford and Norfolk—Revolutionary times—Abdication of Richard.

THE reign of Richard II. introduces us to a new period in the history of Europe; it was then that the old customs of feudalism were fast disappearing from the transactions of every-day life, and the natural equality of mankind and the right of all to the enjoyment of equal laws and privileges began first to be mooted: for many ages the great bulk of the people throughout Europe had been in a state of villenage or predial bondage, analogous to the present condition of the serfs in Russia; bound to the soil which they cultivated, and transferable, like cattle, at the will of their masters. Nor was this state of slavery confined to the rural population of the continent: in England, since the time of the Conquest, the condition of the inferior ranks had greatly deteriorated; the descendants of the free Saxon ceorls were little removed in social condition from the serfs of the continent; the lands which they cultivated were held by menial service, and their goods and chattels were at the disposal of their lord, who instituted fines and amercements in his own courts: but a new element of society had been gradually springing into existence during the last two centuries; in the cities and towns the burgesses and small freeholders, who enjoyed the privileges of free-

men and were only amenable to the laws of the land and their own municipal regulations, had so vastly increased in number and wealth, that they became a distinct power in the state, and their alliance was courted both by kings and nobles. This gave a kind of elevation to every rank of the commonalty, and a spirit of freedom and independence extended from the middling classes to the inferior people; even the villeins and serfs, who had never stretched their views beyond the fields they cultivated, "felt their natural rights, and panted beneath the oppression of their lords after a state of freedom for which they were not perhaps fully qualified."* The new views of religion which were spreading throughout Europe added an additional stimulus to these notions of political liberty; the glaring abuses of the Romish church had led men to look with indifference on her ceremonies, and there were not wanting those amongst her clergy, who, jealous of the wealth and luxury of the higher dignitaries, preached in public against the established order of things, and asserted the original equality of all mankind. As early as 1357 the discontents of the peasantry had found vent in the revolt of the Jacquerie in France, and in England the same manifestations had only been suppressed by the vigorous reigns of the two Edwards and the milder conduct of the English lords. But on the accession of Richard II. these outward circumstances of prevention no longer existed; the son of the Black Prince was but a boy of eleven years of age, and his uncles, jealous of each other's power, prevented the establishment of a vigorous government: the country, groaning under the burden of the French war, which was no longer enlivened by those brilliant victories and national triumphs which had rendered it popular under the late reign, could ill afford to defray the extravagant expenses of the court; and the commons, having exhausted every other mode of supply, resorted to the expedient of a poll-tax, assessed at three groats a head on all the inhabitants of either sex above the age of fourteen. As the poorer classes were unable to pay so large an amount, it was differently rated in each parish, according to the wealth and substance of the inhabitants, at from one to sixty groats. In the absence of statistical information it was thought that this tax would realize a much greater sum than was actually returned, and the commons were a second time compelled to renew the grant. The people of Essex, irritated by this new system of taxation, which was rendered still more obnoxious by the extortion and insolence of the collectors, rose in rebellion, under the guidance of a priest who assumed the name of Jack Straw; meanwhile the peasants of Kent and Hertfordshire, roused by a wanton act of outrage, fol-

* De Lolme on the English Constitution, ch. i.

lowed the example of the men of Essex, and chose as their leader Wat the Tyler. The insurgent forces marched towards London and effected a junction at Blackheath, where they were harangued by John Ball, a mendicant priest, whom they had liberated from the archbishop's prison at Maidstone: he, taking as his text the couplet

“ When Adam delved and Eve span,
Who was then the gentleman ? ”

expatiated on the natural equality of mankind and the sanction of the Gospel to the abolition of distinctions of class: his audience, groaning beneath their wrongs, vowed the destruction of the bishops, earls, barons, knights, judges, and lawyers; and, like the modern advocates of the same views, thought to accomplish the ends of liberty, not by raising their own condition but by reducing the higher classes to a level with themselves. Everywhere the rebellion spread, and in the east and south more especially, the mansions of the nobility were burned, the court rolls destroyed, and the justices and lawyers murdered. On the third day the insurgents removed from Blackheath to London, and having broken open the prisons of Newgate, the King's Bench, and Marshalsea, they destroyed the splendid palace of the Savoy belonging to the obnoxious duke of Lancaster, and burned the libraries of the Temple and Lambeth Palace: as they entered the city they demanded of all they met, to whose party they belonged, and if the reply was not “ with king Richard and the commons,” their heads were instantly struck off: the men of Essex next proceeded to the Tower, where they demanded the execution of the chancellor and treasurer, but the king persuaded them to retire, and promised to meet them at Mile End, where he would hear their complaints and redress their grievances; the disorderly multitude accordingly retired without the walls of the city, and on the next day, when Richard met them, they presented to him their Petition, the chief articles of which were, the abolition of serfdom, the freedom of markets, the exchange of villenage for a fixed rent of four-pence the acre for land, and a free pardon for all that had occurred during the insurrection. The king consented to these demands, and caused a number of charters to be written and signed, which were distributed throughout the different counties and sent to the sheriffs to be read in the churches and cathedrals. Satisfied that they had obtained their wishes, the peasants of Essex disbanded and returned to their own homes, bearing the royal standard and shouting “ Health and long life to good king Richard ; ” but meantime the insurgents of Kent, under the direction of Wat the Tyler, becoming impatient for the king's return,

had broken open the gates of the Tower, where they put to death the archbishop of Canterbury, the lord treasurer, and other obnoxious persons who had taken shelter within its walls: this gave the king unfeigned displeasure, and shortly after, as he was riding through Smithfield, accompanied only by sixty knights, Tyler met him, at the head of the insurgent forces, and, as the ancient chronicler relates, behaved contemptuously towards the king; Walworth, the lord mayor, resisting the affront, struck Tyler to the ground, and one of the knights despatched him with his sword: seeing their captain fall, the men of Kent were about to avenge his death, when Richard, with one of those opportune displays of mental power which prove him not to have been wholly destitute of the nobler virtues, galloped forward, and accosting the insurgents exclaimed, "Follow me, my lieges; Tyler was a traitor, but I will be your guide." This address was cheerfully responded to, and the whole multitude followed the sovereign to Islington, where sir Robert Knowles came up with a body of 1000 horse, and would have fallen upon the people, had not the king commanded him to desist, and permitted the peasants to return to their own homes in peace. The presence of mind displayed by the king on this occasion gained the confidence of the nobility, and augured well for his reign; but though gifted with great powers, Richard was by no means adequate to the discharge of the royal functions; he was profligate, led away by passion, apt to give vent to intemperate language, and governed by the meanest of favourites: amongst other causes of discontent were the profuse expenditure of public money, and the failure of the French war. The commons often represented these grievances, and on one occasion prevailed on the king to appoint a commission, composed of three bishops, two lords, two knights, and two commoners, for their redress, and to cause the judges and chief officers to be nominated in parliament: but these precautions were of little avail, for the real difficulty was want of revenue: the produce of the crown lands, which in former times had been adequate to the ordinary expenditure of the country, had greatly fallen off through the lavish grants of former princes, while the expenses of conducting the government had considerably increased; so that the king was left dependent in a great measure upon the resources of his people, and they therefore complained of the additional taxes they were called upon to pay. As soon as the insurrection was over, the king assembled a parliament to consult on the expediency of revoking the charters of general manumission which under the pressure of circumstances he had been compelled to sign; all were unanimous on this matter, but the commons boldly expressed their opinion that the late insurrection

of the peasantry had been caused by the ill administration of the government and the heavy burdens to which they had been subjected. "Your faithful commons," say they, "after full deliberation, have come to the conclusion that unless the administration of the kingdom were speedily reformed, the kingdom itself would be utterly lost and ruined for ever, and therein their lord the king, with all the peers and commons, which God forbid. For true it is there are such defects in the said administration, as well about the king's person and his household as in his courts of justice; and by grievous oppressions in the country through maintainers of suits, who are, as it were, kings in the country, that right and law are come to nothing, and the poor commons are from time to time so pillaged and ruined, partly by the king's purveyors of the household, and others who pay nothing for what they take, partly by the subsidies and tallages raised upon them, and besides by the oppressive behaviour of the servants of the king and other lords, and especially of the aforesaid maintainers of suits, that they are reduced to greater poverty and discomfort than ever they were before; and moreover, though great sums have been continually granted by and levied upon them for the defence of the kingdom, yet they are not better defended against their enemies, but every year are plundered and wasted by sea and land without any relief, which calamities the said poor commons, who lately used to live in honour and prosperity, can no longer endure. And to speak the real truth, these injuries lately done to the poorer commons, more than they ever suffered before, caused them to rise and to commit the mischief done in the late riot; and there is still cause to fear greater evils if sufficient remedy be not timely provided against the outrages and oppressions aforesaid. Wherefore may it please our lord the king and the noble peers of the realm now assembled in this parliament, to provide such remedy and amendment as to the said administration, that the state and dignity of the king in the first place, and of the lords, may be preserved, as the commons have always desired, and the commons may be put in peace; removing, as soon as they can be detected, evil ministers and counsellors, and putting in their stead the best and most sufficient, and taking away all the bad practices which have led to the last rising, or else none can imagine that this kingdom can longer subsist without greater misfortunes than it ever endured; and for God's sake let it not be forgotten, that there be put about the king and of his council the best lords and knights that can be found in the kingdom."

This bold though respectful language of the commons shows the influence which the people had acquired, and furnishes no bad illustration of the nature of the complaints which are met

with on the rolls of parliament for nearly two centuries. Alarmed by these protestations, Richard endeavoured to retrench his expenditure ; but the commons soon found that there were no means of securing the reformation of abuses so long as the subsidies were paid into the hands of irresponsible ministers, and it was useless for them to vote money for the wars while it was absorbed on the luxuries of the court ; they therefore resolved to make no more grants unless the king would consent to have the money paid into the hands of treasurers chosen by themselves, or command his ministers to deliver their accounts in parliament,—to which Richard was obliged to yield, and even promised to make some alterations which had been desired in his household ; but it was no easy task to resist the personal influence of the king, whom the constitution had invested with the fullest prerogatives, and Richard accordingly by dint of intimidation and bribery succeeded in so far overcoming the popular voice, that the parliament sanctioned the appointment of the royal favourite De Vere to the marquisate of Dublin, with an almost princely authority in Ireland. But on Michael de la Pole, who had been created earl of Suffolk, being made lord chancellor, the spirit of opposition again revived, and the commons were enabled to try the strength of their vindictive arm, by carrying an impeachment against the unpopular minister. Notwithstanding the pusillanimity of Richard's character, they would scarcely have ventured on so bold a measure had they not been secure of the support of a large party in the upper house, where the dukes of Lancaster and Gloucester, the king's uncles, led the popular movement. For the thirteenth time parliament assembled with the full determination of reforming public abuses, and commenced the impeachment of the king's ministers. While Richard was quietly lying at his palace of Eltham, a messenger arrived from both houses of parliament requiring the dismissal of the earl of Suffolk from the royal councils, as the commons had matter to allege against him which could not be urged while he possessed the office of chancellor. The king, with his usual petulance, replied, "that at their request he would not remove the meanest scullion from his kitchen ;" but the parliament persisted in their petition and refused to transact any public business till the king should appear personally in parliament and dismiss his favourites. This undaunted procedure produced a change in the tone of the royal message, and the king offered to receive a deputation to explain the grievances complained of ; but the commons, fearing or affecting to fear treachery, refused these overtures, and commissioned the earls of Gloucester and Arundel, with the bishop of Ely, to declare to the king, "that there was

an ancient statute* according to which, if the king absented himself from parliament without just cause during forty days, which he had now exceeded, every man might return without permission to his own country; and moreover, that the statute of deposition of Edward II. afforded a precedent that if the king by bad counsel, or his own folly and obstinacy, estranged himself from his people, and would not govern according to the laws of the land and the advice of the peers, but madly and wantonly followed his own single will, it was lawful for parliament with the common assent of the people to expel him from his throne, and elevate to it some near kinsman of the royal blood." The commons thus obtained of the king the appointment of a parliamentary commission with full powers to investigate and reform all abuses both in the state and royal household, and to see the laws and statutes duly executed. Whatever opinion we may form of the constitutionality of this measure, which derogated from the prerogative of the crown, certain it is that the exigencies of the times demanded some extraordinary remedy. No prince had ever drawn so largely on the resources of his people, or so wantonly neglected the welfare of the nation. The money which had been voted for the war with France was squandered in pageants and sumptuous festivals, while the coasts of England were plundered and wasted by the very foe she had vanquished, and her trade destroyed. "No voice of his people," says an eminent historian, "until it spoke in thunder, could stop an intoxicated boy in the wasteful career of dissipation;"† and although it may be only on occasions like the present that such extraordinary measures are justifiable, yet few will deny to parliament, even at the present day, an absolute power over the management of affairs,—the right of influencing the choice, as well as the power of punishing the maladministration of ministers. After having failed in his endeavours to induce the sheriffs of the counties to influence the next elections in his favour, the king resorted to the expedient of obtaining the opinion of the judges against the legality of the commission appointed in the late parliament, and made a public declaration that nothing therein resolved should be taken as derogating from the just prerogatives of the crown. For some time these proceedings passed unnoticed, as the judges had been sworn to secrecy, but as soon as it became publicly known that it was the legal decision of the judges that the commons had no power to impeach the king's ministers, or stop the progress of public business, without special sanction,—that those who had moved for

* Knyghton, *Decem Script.* col. 2680. Hallam, *Mid. Ages*, ii. p. 199.

† Hallam, *Middle Ages*, ii. p. 201.

the reading of the sentence of deposition against Edward II. had incurred the penalties of treason, and that the sentence against Suffolk might be revoked, a universal storm of indignation burst from all grades of society, and men declared openly that all justice and law had come to an end. Those who had been the best supporters of Richard were disgusted at the proceeding, and when he entered London on the 10th of November (1387) to resume the powers of government as soon as the period of the commission should terminate, he was met by the cries and groans of the people. The earls of Gloucester, Derby, Arundel, Nottingham, and Warwick, who had been foremost in the late transactions, perceiving the danger to which their lives and property would be exposed if the king should succeed in restoring his favourites to power, marched to Highgate at the head of 40,000 men, and appealed of treason the archbishop of York, De Vere (who had been created duke of Ireland), the earl of Suffolk, sir Robert Tresilian (the chief justice), and sir Nicholas Bramber (the late lord mayor of London), and, entering Westminster hall, threw their gauntlets on the ground before the king, offering to prove the charges by single combat. But Richard replied, that he thought it more equitable for the matters to be tried in parliament, and warrants were accordingly issued for a new return. When the commons met they cited the obnoxious ministers to appear before them, and on their default condemned in one sentence not only the parties accused by the lords-appellants, as the five earls were called, but their friends and abettors, and the whole bench of judges, who had given their assent to the king's questions. The duke of Ireland, the earl of Suffolk, the archbishop of York, sir Robert Tresilian, sir Nicholas Bramber, the bishop of Chichester, sir Simon Burley, sir John Beauchamp, sir James Barnes, and sir John Salisbury, with the judges, were all found guilty, and sentenced to undergo the extreme penalties of the law; but the two first effected their escape to France, and the judges, at the earnest int. session of the bishops, were banished to the different cities of Ireland. Without entering into the merits of the question, we cannot help observing the difference with which these proceedings have been related by historians according to their political bias: while some have seen in them nothing but the expression of the vindictive feelings of a ruling faction, appropriately designated the Merciless Parliament; others with equal warmth have applauded the just exercise of authority at a time when no milder measures would have been equally successful: certain it is, that in the absence of more definite details we are at a loss to account for the condemnation of men some of whom had borne a good previous reputation; but, looking at the result as a whole, the effect was

eminently successful,—the country was restored to peace, and the king freed from his worst advisers.

The year which followed was a period of reaction, but in the absence of history we can only guess at the causes which led to the expulsion of Gloucester and his party from power. By one of those strokes of decisive action which mark the dark character of Richard, he took the government into his own hands. Sitting in the great council held after Easter in 1389, the king turned suddenly round to Gloucester, and demanded what age he was. "Your highness," replied the earl, "is in your twenty-second year." "Then," said the king, "I must surely be old enough to manage my own affairs. My lords, I thank you for your past services, but I require them no longer." A new chancellor and treasurer were appointed by the king, and the country was governed for eight years with energy and vigour; but in 1396 the truce with France and the king's marriage with the French princess Isabella again called forth the opposition of Gloucester, who strenuously reprobated these measures as base and unworthy the successor of Edward III. Seeing the nobility divided amongst themselves, Richard thought this the opportune moment to wreak his long-meditated vengeance against that nobleman, and going to the castle of Pleshy, where Gloucester resided, as if on a visit, he took him by surprise, and, having arrested him, caused him to be conveyed over to Calais. The earls of Arundel and Warwick were likewise treacherously seized, and to quiet the clamour of the people, the king caused proclamation to be made, that all had been done with the assent of the dukes of Lancaster and York, who were supposed to be in the popular interest. The king now entered London at the head of a powerful force, and having revoked his former pardons, caused the commons to bring in charges against Arundel and Warwick: the sheriffs had, as Richard had commanded them, influenced the elections, and the lords and commons vied with each other in undoing whatever the previous parliament had obtained. At the king's command, they sentenced Arundel to death, and banished the earl of Warwick, the archbishop of Canterbury, lord Mortimer, and lord Cobham, while the earls of Derby and Nottingham were terrified into submission by the threat of a parliamentary impeachment. To complete the degradation of parliament, the commons next repealed the statutes of the tenth and eleventh years of Richard's reign, and confirmed by statute the answers of the judges, who had been punished with death and exile; they even committed the whole powers of the legislature to twelve commissioners named by the king, and declared it high treason to disobey their ordinances; but the most dangerous precedent of this parliament was

the grant of a tax on wool for life to the king, which in a manner superseded the necessity of assembling parliament, and laid the foundation of the claim of the Tudor and Stuart princes to established imposts. Thus freed from the necessity of frequently meeting his people, and provided with a revenue for life, Richard became as truly absolute as his ambition could desire. To prevent the possibility of a sudden insurrection, he kept constantly in his pay a body of ten thousand archers, and executed all who ventured to oppose his will. When money was required, he forced men to confess under their seals that they had been guilty of treason, and to give blank obligations, which his officers filled up with large sums. But to execute these measures, it became requisite to break the power of the nobility; for, as Mr. Hallam observes, the constitution had invested them with such paramount rights that it was impossible either to make them surrender their country's freedom or to destroy it without their consent. Gloucester, Arundel, and Warwick had already fallen, and Derby and Nottingham, now dukes of Hereford and Norfolk, alone remained of the popular party. By a clever stratagem, the king procured the former to bring an accusation against the latter, and as there were no witnesses, the king decided the dispute by banishing both to the continent, thus freeing himself at once of two men whose presence he feared. On the death of his father, the duke of Lancaster (in 1399), Henry Bolingbroke, who had for some years borne the title of Hereford, succeeded to his father's estates, but the king refused to grant him seisin of his lands, alleging that they had been forfeited by his sentence of banishment. This glaring violation of justice roused the spirit of the nobles, and the people, who had only been waiting for an opportune moment to rise, readily joined in the cause. Richard, not suspecting the depth of the designs which were laid against him, departed on an expedition to Ireland, leaving the kingdom in the hands of his uncle, the duke of York; Hereford, hearing of his departure, took shipping at Vannes, in Brittany, and landed with a few followers in Yorkshire, where, being joined by the earls of Northumberland and Westmoreland, he marched on London, and followed the regent to Bristol, where, appearing before the castle, his uncle the duke of York consented to an interview, and both parties united their forces, which are said to have amounted to 100,000 men. The king receiving intelligence of these proceedings, despatched the earl of Salisbury with part of the army, and returned himself with the remainder to Milford Haven, but by a series of manœuvres he was brought into the power of Henry, who led him first to Chester and then to London. Finding himself deserted by all classes of his subjects, Richard offered no resistance

to Lancaster, and when informed of his intention to direct the government in his own name, is said to have replied, "Fair cousin, since it pleases you, it pleases us likewise," and shortly after signed a deed of abdication, by which he relinquished all claim to the crown, and declared his subjects absolved from their allegiance. "This measure," says Mr. Hallam, "although evidently of a revolutionary nature, was justified by the circumstances of the nation. For two years Richard had governed altogether tyrannically; and, upon the same principles that cost James II. his throne, it was unquestionably far more necessary, unless our fathers would have abandoned all thought of liberty, to expel Richard II. Far be it from us to extenuate the treachery of the Percies towards this unhappy prince, or the cruel circumstances of his death, or in any way to extol either his successor, or the chief men of that time, most of whom were ambitious and faithless; but after such long experience of the king's arbitrary, dissembling, and revengeful temper, I see no other safe course in the actual state of the constitution, than what the nation concurred in pursuing." *

* Hallam, *Middle Ages*, ii. p. 212.



Costume of Richard II.

CHAPTER XII.

HOUSES OF LANCASTER AND YORK.

FROM THE ABDICATION OF RICHARD II. TO THE COMMENCEMENT OF THE CIVIL WARS. A. D. 1399—1422.

Origin of the wars of the Roses—Battle of Shrewsbury—Revolt of Northumberland—Attention to the forms of the constitution—Freedom of members from arrest—Henry's parliamentary title—Private statutes—Persecutions for religion—Change in the policy of the Romish church—Henry V.—Revival of the claims to the throne of France—Battle of Agincourt—Effect on France—Subsidy to the king for life—Public accounts submitted to parliament—Progress of constitutional liberty—Treaty of Troyes—Dangers anticipated from the annexation of France—The dauphin refuses the terms of the treaty—The king's death.

HENRY IV. A.D. 1399—1413.

THE revolution which raised Henry IV. to the throne laid the foundation of the civil contests between the houses of York and Lancaster, which for several generations involved the country in all the horrors of civil war; for although Henry IV. was descended from John of Gaunt, third son of Edward III., his cousin, the earl of March, was a much nearer claimant, and before the lapse of five years a powerful conspiracy was formed by the earl of Northumberland, Owen Glendour of Wales, and Douglas of Scotland, for placing the young earl on the throne: Henry however succeeded in gaining intelligence of their designs, and obtained a victory at Hartlefield, near Shrewsbury, in which Percy, the son of Northumberland,—named Hotspur, from his impetuosity in battle,—was slain, and Douglas made prisoner. Another rebellion took place in 1405, headed by the archbishop of York and the earl of Northumberland, but this was speedily suppressed, and the archbishop executed for treason, being the first prelate who suffered capitally in England. Few reigns present less materials of political importance than that of Henry IV. With the exception of some trifling interference in the affairs of Scotland and France, Henry had little connection with foreign countries, and his domestic government was characterized by few political innovations. As he owed his crown to a parliamentary title, he was compelled to show considerable deference to the forms of the constitution, and rarely ventured on any matter of importance

without first consulting his parliament. The commons in consequence not only maintained their ancient privileges, but considerably augmented them; freedom from arrest was obtained for members and their servants during session; and in the second parliament of his reign an attempt was made to make supplies dependent on redress of grievances, by requiring that the petitions of the commons should be answered before the vote of subsidy was passed, a scheme which had been declared high treason by the judges of Richard II. Henry however declined to gratify the commons in this respect, alleging "that no such practice had been known in ancient times, and he was therefore unwilling to alter the good customs and usages of his ancestors."* After a reign of fourteen years, Henry died on the 20th of March, 1413, more revered than regretted by his people.

Had Henry IV. succeeded to the throne of his own right, he would have made an excellent prince, but as his title was evidently inferior to that of the earl of March, the power of the crown was inadequate to restrain the turbulence of the nobility, and the want of security retarded the advancement of commerce and industry. There can, however, be no doubt that Henry was elected by the unanimous consent of the people, and on this account the Lancastrian princes ought to be regarded as legitimate sovereigns; in fact, it is a constitutional question with historians, whether, under circumstances which cause the deposition of a reigning monarch, the representatives of the nation are bound to elect the next heir to the crown, or whether such a catastrophe does not in a measure do away with and annul existing interests: however this may be, the cause of the preference given to Henry over the earl of March is very evident: the earl was but a child, and the divided state of the country required a united and vigorous rule; Henry was in the prime of life, and had taken an active part in the late parliamentary struggle; and although he had not seized the throne by force, yet his arms had overthrown the power of Richard II.

The main difficulty with which the commons had to contend at this time was the novel practice of assenting to statutes not founded on the petition of both houses; for although it was an established maxim of the constitution that the king could not make or repeal laws affecting the general interest without the consent of parliament, yet in particular instances, where the measure was supposed to affect only some particular class or profession, a private act was deemed sufficient: the clergy often availed themselves of this mode of obtaining the royal assent to measures which they could not pass through parliament, and in

* Rot. Parl. iii. p. 453.

this manner procured from Henry IV. several penal statutes against the Lollards or followers of Wickliffe, without securing the concurrence of the laity. The commons naturally resisted this infringement of their privileges, and on more than one occasion introduced bills to curtail the property of the church. Then commenced the great struggle between the clergy and the people. The Romish hierarchy had previously found it their interest to weaken the power of the civil government by siding with the popular party, but now that liberty had gained the upper hand, they discovered that freedom and intelligence were incompatible with the domination of a priestly class, and the church of Rome, therefore, from being the friend of liberty, became the ally of despotism. Unable to withstand and unwilling to conform to the progress of society, the church exerted her utmost strength to put down the right of private judgment by the fagot and the sword; but persecution only strengthened the growth of liberal sentiments, and led men to apply to the church the same principles of reform which had proved so efficacious in the civil government.

It was not so much the doctrines as the discipline and government of the Romish church which in England brought on the Reformation: men could not but see the tyranny and absurdity of her policy, and doubted the authenticity of a creed which admitted of such perversion. With the zeal of new converts the disciples of Wickliffe preached against the riches, luxury, and vicious lives of the clergy. Their sermons were not without effect, even on those who did not share in their opinions; and when the famous statute* against Lollards† was brought into parliament, a strong party was formed against it; but the influence of the church, which at that time held a third of all the property in the kingdom, was so great that it overcame all opposition, and the new law was carried into effect by the martyrdom of William Sautre and William Thorpe, who were burned in Smithfield. Although crushed by these terrible examples, Lollardism still continued to spread in secret, and before the middle of the next century we shall find it triumphant.

HENRY V. A.D. 1413-1422.

The reign of Henry V. was mainly occupied with his wars on the continent, and endeavours to annex France to his crown. Taking advantage of the civil dissensions which distracted that kingdom, Henry demanded the surrender of the provinces of Normandy, Maine, Anjou, and Provence, according to the treaty

* This was the first actual law in England against heresy.

† 2 Hen. IV. c. 15.

of Bretagne, which, being submitted to the estates, was rejected by them as inconsistent with the honour of France. Henry, glad of so favourable a pretext for renewing the claims of the English kings to the throne of France, landed with a considerable army on the coast of Normandy, and reduced the strong fortress of Harfleur; but an epidemic breaking out in the English ranks, the army was so diminished that when D'Albret, the marshal of France, appeared with a force of 100,000 men, the English numbered only 12,000. The king of England, however, refused to halt in the presence of this superior force, and emulating the prowess of his great ancestor Edward III., continued his march on Calais: when he had proceeded as far as the village of Agincourt, he came in sight of the French lines drawn up on the rising ground to oppose his progress. Stopping for the night to reconnoitre the enemy's position he bivouacked at Maisoncelles, and in the morning of the 25th of October, 1415, led on his little army to the charge. The conflict which ensued was one of the most desperate recorded in history. The English were only one-tenth the number of the enemy, but they were spurred to frenzy by the alternative of victory or death, while all the chivalry and youth of France were on the other side. The duke of Alençon, the bravest of the French generals, cleared his way through the English ranks to the royal standard, and having slain the duke of York, cleft the coronet on the king's head; but that instant he fell, and the showers of arrows which came from the English archers threw the enemy into confusion: as the shout of victory rose, the archers threw down their bows, and seizing their battle-axes rushed forward with the men-at-arms to the charge. The French lines were broken; the dukes of Brabant, Bar, and Alençon, and the constable and admiral of France, were slain, with 80,000 knights, bannerets and esquires, while the dukes of Orleans and Bourbon, and the counts of Vendôme, Eu, and Richemont, were made prisoners. The loss of the French was further increased by an unfortunate accident which occurred during the battle: a band of peasants having entered the village of Maisoncelles, which was in the rear of the English, began to plunder the baggage and set fire to the houses; Henry, fearing that the enemy had gained his rear, gave orders for the prisoners to be slain, as they were twice as many as the English who held them, and might attempt an ambuscade if the enemy should approach; but as soon as the true cause of the disturbance was known, the English king gave command to stay the slaughter, and those of the French who remained were mercifully treated. This battle, on account of the number of the nobility who were slain or made prisoners, proved very disastrous to the interests of France; and had Henry been able to follow up his conquests he

might have reduced the whole kingdom, but being obliged to return to England for supplies, the fruits of his victory were in a measure lost, and he was compelled again to renew the campaign. The parliament, elated by the glories of the English arms, voted a supply to the king for life to be raised on wool and hides, a precedent copied from the worst times of Richard II.; but Henry's extraordinary expenses and untiring ambition rendered this infringement of the constitution comparatively harmless, and like his predecessor Edward III., he found it easier to court the friendship of the commons than to incur their opposition. The more readily to procure supplies, Henry submitted all his accounts to parliament, a circumstance which contributed in no slight degree to establish a regular correspondence between redress and supply, which for several centuries proved the balance-spring of the constitution.

The next year (1416) Henry V. again renewed the war, and took nearly all the towns and fortresses of Normandy; but the difficulty of maintaining a large force in a hostile country, and the number of his enemies, who, although quarrelling amongst themselves, were yet all leagued against the English, prolonged the campaign for several years. However, in 1420 an accommodation was agreed to, termed the Perpetual Peace, or, as it is better known in England, the treaty of Troyes, by which Henry accepted the hand of the princess Catherine, daughter of Charles VI., with the regency of France during the king's lifetime and the crown on his death. This termination of the war was highly gratifying to Henry's ambition and flattered the national pride; still the more keen-sighted saw in it the commencement of inextricable evils, and indeed had the treaty of Troyes ever come into operation, it may well be doubted whether England would not have become an appanage of the French crown; for although the latter had been conquered by the blood and treasure of the former, yet it was not to be compared with it in superficial extent, while other political reasons pointed to Paris as the capital of the united empire. The union of two such countries as England and France must have produced the very results it was most desirable to avoid, for had the prince been the ruler of two independent kingdoms with their separate parliaments and administrations, the ascendancy of the crown could no longer have been resisted: it would have been in vain for the parliament of one part of the empire to refuse supplies, or to resist oppressive impositions, while its submission might have been compelled by the force the king could bring from the other; it was only while the country continued one and indivisible that the guarantees of liberty were secure: instead of opposing his will, each province would rather have sought to court

the king's favour by its ready submission and unswerving loyalty, so that the liberties of both England and France would have been lost in the overwhelming power of the crown. To prevent this result, the commons procured the confirmation of the statutes of Edward III. declaring the independence of the English crown, and further secured the national existence by requiring that all petitions of parliament should be decided within the realm, and not sent to the king beyond the seas for the royal assent. Could these statutes have been inviolably preserved, undoubtedly they would have secured the free action of the constitution; but in times when the royal prerogative is most powerful, the barriers which have been raised against it are the least effectual. Fortunately, however, there was no occasion for the experiment: before two years had passed, a new cause of dispute had arisen: the dauphin having become of age refused to observe the treaty, and Henry again crossed the seas to recover the towns he had taken. Having spent some weeks in feasting at Paris, the king was on his march to raise the siege of Cosne, when he was seized with an acute disease; and finding his end approaching, commended his queen and infant son to the protection of his brother the duke of Bedford. Henry V. died in the 34th year of his age and the tenth of his reign, equally loved by his subjects and feared by his enemies. As a general and a statesman he has never been surpassed; under his vigorous administration the country enjoyed internal peace, while the success of his foreign campaigns surpassed in brilliancy even the dazzling victories of Edward III.; but what is more to his praise than all that history can record, is the absence on the rolls of parliament of any vestiges of disaffection, "a circumstance," says Mr. Hallam, "very honourable, whether we ascribe it to the justice of his administration or the affection of his people."



Costume of Henry V. and Henry VI.—1420–1439.

CHAPTER XIII.

THE CIVIL WARS.

FROM THE COMMENCEMENT OF THE CIVIL WARS TO THE
ACCESSION OF THE HOUSE OF TUDOR. A. D. 1422—1485.

Minority of Henry VI.—Renewal of the war in France—Joan of Arc—Loss of the English conquests—Beneficial effects of the Plantagenet wars—Imbecility of the young king—Winchester—Supposed murder of Gloucester—Impeachment of Suffolk—Maladministration—Rebellion under John Cade—The country divided into the factions of Yorkists and Lancastrians—Civil wars—The duke of York lays claim to the crown—Deliberative authority of the upper house—York acknowledged successor—Battle of Wakefield—Defeat of the Lancastrians—The earl of March proclaimed by the title of Edward IV.—Restoration of Henry VI.—Battle of Barnet, and expulsion of the house of Lancaster—Prejudice of the chroniclers against the house of York—Successful war with France—First example of loans and benevolences—Edward endeavours to reform the revenue—Supported by the commons—Complete statutes—Triple division of the legislature—Edward V.—His minority—Jealousy against the Woodvilles—Richard usurps the authority of government, and is made protector—Execution of Hastings—Buckingham offers the crown to Richard—Murder of the princes in the Tower—Richard III.—Revolt of Buckingham—Project for placing the crown on the head of Henry Tudor—Forced loans declared illegal—Henry lands at Milford Haven—Battle of Bosworth.

HENRY VI. A. D. 1422—1461.

THE design of uniting into one empire the dominions of England and France seemed on the verge of completion, and the whole nation was filled with joy and exultation, when the sudden decease of Henry V. threw a cloud over those visions of conquest which for more than a century had dazzled the ambition of the Plantagenet princes. Henry's son and successor was but a child of nine months old, when he was proclaimed at London and Paris simultaneously, by the title of Henry VI.; and although the young king's uncles, the dukes of Bedford and Gloucester, energetically conducted the affairs of the state, yet their exertions were ineffectual to restrain the general disorder invariably consequent upon a minority in those days: the mass of the people were discontented at the largeness of the contributions they were called upon to pay for the French war, while the nobles disturbed the

peace of the kingdom by their continual dissensions and animosities.

In France the war was carried on with varying success; the dauphin, who now inherited the claims of the male line, was a prince of superior ability, and used every effort to rouse the spirit of his countrymen. The dukes of Burgundy and Brittany, and a great part of the people, adhered to the English interest, but many preferred to submit to the legitimate heir of their ancient line, and the contest was carried on with much severity: for a long time the duke of Bedford was almost invariably successful, and had so far advanced his conquests as to lay siege to Orleans, the stronghold of the enemy's cause. Every means which his ingenuity could devise for the relief of this important place, the dauphin had essayed in vain. At this critical moment, the daughter of a poor innkeeper, named Jacques d'Arc, dreamed she heard the saints Margaret and Catharine inviting her to restore the throne of France and expel the invaders. When she awoke, the vision made such an impression upon her mind that she believed herself inspired, and demanded to be led to the king, who was then at Chinon: the king's councillors present, not knowing what to advise in the desperate condition of affairs, and perhaps rightly judging the effect of enthusiasm on the public mind, counselled the king to accept her proffered service, and she was accordingly entrusted with the important duty of throwing provisions into the town of Orleans, then closely besieged by the earl of Salisbury, one of the best generals of the day. The town being too extensive to admit of circumvallation, Joan of Arc, or, as she was now called, the Maid of Orleans, succeeded in evading the vigilance of the guard, and relieved the garrison. The tide of fortune from this moment turned; the spirit resulting from success was on a sudden transferred from the victors to the vanquished, and the French believed themselves invincible under the guidance of their prophetess. The siege of Orleans was raised, and the dauphin, advancing to Rheims, was crowned king of France by the title of Charles VII. The English affairs grew more desperate every day; and although Joan of Arc was taken at the siege of Compiègne, and delivered over to an ecclesiastical tribunal, which barbarously condemned her to be burned alive, the partisans of Charles continued to gain ground, and after a few years there was nothing left to the English of all their conquests but the town of Calais. Thus ended the struggle which had been maintained above a century by the Plantagenet princes for the throne of France; and although the loss of all that had been acquired by the hard-won victories of Crecy and Agincourt must read like a disaster,

yet nothing could have been more propitious for the welfare of the English nation.

The wars of the Plantagenets must be regarded as rather advantageous than otherwise to the general interests of this country. Although involving much useless expenditure of blood and treasure, they served to draw off the attention of such princes as Edward III. and Henry V. from their domestic concerns, and enabled the commons so thoroughly to establish their influence in the government, that when the reaction of the seventeenth century came, which swept from Europe her liberal institutions, the Tudor and Stuart kings were unable to imitate the example of the continental princes, and the attempts to establish absolute monarchy only ended in the expulsion of the reigning house. Nor was the effect on society less beneficial. The English armies, it should be recollected, were no longer composed of feudal lords and their retainers, as in ancient days, but were recruited from the mass of the people, and this gave to the latter a social position incompatible with villenage and predial bondage. So long as the feudal aristocracy retained in their own hands the profession of arms, the people succumbed to their military pre-eminence, but from the time when personal service became commuted for fine, the power of the nobility gradually declined. The commons felt this, and voted liberally not only money but men for the service of the king in his foreign wars, and in return received the royal favour and support.

While the English were losing their conquests on the continent, two rival factions, headed by the duke of Gloucester and the cardinal of Winchester, the king's uncle and great-uncle, divided between them the power of the state, and kept the country in continual agitation. It was soon apparent that the king, although he had attained his majority, was incapable of governing, and each faction strove to have the direction of the state. To strengthen his party, the cardinal of Winchester persuaded the king to marry Margaret of Anjou, daughter of Regnier, titular king of Sicily, a woman of masculine mind, but cruel and unrelenting in the prosecution of her enemies: Gloucester opposed both this marriage and the peace with France on public grounds; but his opposition was mistaken by the queen for personal hatred, and in conjunction with the cardinal and the earl of Suffolk, who had been sent to negotiate the marriage, she determined on his overthrow. On the 10th of February, 1447, a parliament was called at Bury St. Edmund's, to which the knights were instructed to come armed, and guards were placed around the royal residence, as if in anticipation of some immediate danger: as soon as Gloucester appeared, he was arrested on a charge of high treason, and conveyed to the

Tower, where, after seventeen days, he was found dead in his bed. The adherents of Winchester, who wished to palliate the deed, said that the duke had died of apoplexy, but the belief universally prevailed that he had been murdered. These proceedings roused popular indignation against the queen and the cardinal of Winchester, and rendered the king both odious and despicable: a speedy death saved the cardinal the disgrace of a public inquiry; but when parliament met, an impeachment was brought against Suffolk for embezzling the public money, advising the king to make improvident grants, giving offices to improper persons, and procuring pardons for traitors: the obnoxious minister, knowing the resentment of the commons, feared to encounter the charges brought against him, and, instead of standing his trial, threw himself on the king's mercy. Unable to protect and unwilling to deliver up his servant to the severity of parliament, the king banished him for five years to the continent without even the form of a trial. This summary proceeding excited the fears of the aristocracy, lest they should lose their privilege of trial by their peers, and the house of lords petitioned the king that they might enter their protest on record, that neither they nor their descendants might lose their right of peerage by this precedent, which was accordingly granted. The commons were not so easily satisfied, and the king found it requisite to dissolve the parliament. As Suffolk passed through London on his way to the sea-coast, the people rose to intercept him, but he succeeded in making his escape, and embarked at Ipswich for France: before arriving at Calais, the ship in which he was carried was overtaken by a larger vessel called the 'Nicholas of the Tower,' and the captain, summoning the duke on board, arraigned him before a mock tribunal of the sailors, and being declared guilty of treason against his country, he was instantly beheaded. This remarkable murder formed the signal for a general revolt; the men of Kent, under the guidance of John Cade, who is supposed to have been an Irishman of good birth and education, marched on London, and demanded that those who had been instrumental in the death of the duke of Gloucester, and had lost France to the English crown, should be brought to justice, and that all extortions should be abolished. The citizens opened their gates to the insurgents, and the king's troops refused to take arms against them; so that Cade was left in the quiet possession of the capital for several days. At length the citizens, becoming anxious for the safety of their goods, caused Cade to retire beyond the river, and in the meantime a truce was set on foot by the bishop of Winchester, who gave free pardons to all who would return to their homes: disputes arose, and the insurgents divided and fled; Cade was

overtaken and slain by the sheriff of Kent, who received the reward of 1000 marks, which had been offered for his head. As soon as these disturbances were a little allayed, the commons presented a bill attainting the late duke of Suffolk, and requiring that Somerset, and other lords who were also obnoxious to the people, should be expelled from court: this was rejected by the king, and an altercation ensued between the two parties, in which the duke of York supported the popular side. Finding that the king was no longer a free agent, but was overruled by the queen and the duke of Somerset, York retired to his castle of Ludlow, and raised the tenantry of the ancient house of Mortimer, with the intention of calling a free parliament and reforming the abuses in the government; but after much marching and countermarching a reconciliation was effected, and the duke of York was appointed protector of the church and kingdom till the king should recover sufficiently to take the management of the state into his own hands, or the infant prince of Wales should be of age. This adjustment was of short duration, and three years after, in May 1454, affairs having reached a higher crisis, a battle was fought at St. Alban's, in which the king's party were totally defeated, and the duke of Somerset, the earl of Northumberland, and lord Clifford, were slain.

The victorious duke of York treated the imbecile monarch with deference, and again submitted to his allegiance, only retaining the authority of Protector; but the queen and her party bore an invincible antipathy to York, and as soon as the king had partially recovered, she persuaded him to go in person to parliament and revoke the duke's commission. For two years the government was carried on in the king's name, but popular discontent continued to divide the country into two factions: the one naturally looked to the duke of York as its head, the other adhered to the reigning house of Lancaster. In this uncertainty of affairs it was discovered that the duke of York bore a nearer title to the throne than Henry VI., as he was descended from an elder branch, but the duke wisely rejected all ambitious schemes and acted with forbearance and moderation, until an unfortunate dispute between the servants of the king and those of the earl of Warwick brought on the final contest, which for nearly half a century deluged England in blood, and ended not until the accession of Henry VII. The citizens of London and the middle and lower classes mainly supported the cause of York, while the nobility and landed gentry adhered to the house of Lancaster. After various changes of fortune the king was taken prisoner, and the duke of York entering the palace at Westminster laid claim to the throne, and transmitted a statement to the chancellor, stating his title, and de-

manding that his claim might be admitted as representative of Lionel, duke of Clarence. The Lancastrians, on the other hand, urged that the duke's claim had become extinct by long abeyance, and that the title of Henry VI. was founded in justice, having been derived from Henry IV., whose accession was confirmed by act of parliament and the universal acquiescence of the nation. Under these circumstances both parties consented to submit their claims to a parliament to be indifferently summoned, and the advocates on either side pleaded eloquently before the house of lords, which for the first time appeared to possess an unbiassed deliberative authority. The friends of Henry and of Edward brought evidence from ancient records, and applied to the crown the same strict rules of inheritance which regulated private property, thus acknowledging the supremacy of the law, which had previously been doubtful in cases where the crown was concerned. Although the duke of York had been victorious over his enemies in the field, he could not so easily obtain a complete victory in parliament. The lords maintained a strict neutrality during the progress of the inquiry, and finally determined on a compromise, by which it was proposed that Henry should retain his throne for life, but that the duke should be declared his successor in preference to the prince of Wales, who was to be excluded from the throne. A statute was enacted in accordance with this decision, and a short time after, in order to show their reconciliation to the people, the king went in state to St. Paul's, attended by the duke as heir-apparent to the throne; but the high-spirited queen was indignant that her son should thus be excluded from the succession, and retiring to the north, prevailed on the earl of Northumberland and other powerful lords to espouse her cause: an army was speedily collected, composed in great measure of the borderers, who were accustomed to pillage and rapine, and as a reward for their services the plunder of the country south of the Tyne was promised to them. Hearing of the queen's advance, the duke of York, without waiting to collect his whole forces, marched hastily to meet her, and came up with the Lancastrians at Sandal castle, near Wakefield; the earl of Salisbury earnestly exhorted him to wait for reinforcements from the west under his son the earl of March, but relying on his own valour and the superior discipline of his troops, the duke advanced to Wakefield Green, where his army was surrounded and cut to pieces, and himself slain. The victorious Lancastrians hastened to march to London before the arrival of the earl of March, but the earl of Warwick took up a strong position near St. Alban's, and although the queen succeeded in repulsing him, his army still kept the field, and before approaching London she received intelligence that the

citizens had closed their gates and declared for the earl of March, as nearest surviving heir of the house of York : this caused her to hesitate, and meanwhile the earl of Warwick succeeded in effecting a junction with the forces under the earl of March ; their numbers were further augmented by reinforcements from London, so that the Yorkists were again able to renew the offensive. The queen's army finding themselves over-matched in the field, avoided a general engagement and retired to the north, closely followed by the earl of Warwick, who overtook and vanquished them at Towton heath, on the borders of Yorkshire, leaving 36,000 men dead on the field.

EDWARD IV. A.D. 1461-1483.

This victory, by which the earl of March was established on the throne by the title of Edward IV., so weakened the Lancastrian party, that the king, with his queen and the prince of Wales, was obliged to seek shelter on the continent at the court of his father-in-law the duke of Anjou ; and although the queen again revived the struggle, her efforts were unsuccessful, and the unfortunate Henry VI. once more fell into the hands of the Yorkists, by whom he was committed a close prisoner to the Tower. The campaign would now have been ended, had not Edward IV. estranged from his interest the earl of Warwick, to whose valour and perseverance he owed his throne. Equally ungrateful and impolitic, Edward banished him from his councils, and refused to sanction the marriage of his daughter with his brother the duke of Clarence : notwithstanding the king's opposition, the marriage was consummated, and for some years Edward was obliged to conceal his resentment ; but on occasion of a revolt in Lincolnshire he commanded the troops to pursue the duke of Clarence and the earl of Warwick, who, suspecting his designs, succeeded in effecting their escape to the French court, where they were joyfully entertained by Louis XI., and by his skilful diplomacy were introduced to Margaret, the queen of Henry VI., who was still in confinement in the Tower. No sooner was their reconciliation effected than a new scheme was set on foot ; it was agreed that the prince of Wales, heir-apparent of the house of Lancaster, should marry Anne, Warwick's second daughter, and that the deposed monarch should be restored to the throne by Warwick's influence : to secure the co-operation of the duke of Clarence, it was arranged that if the prince should die without issue he should succeed to the throne, and in that case the house of Lancaster should resign all further title : this arrangement was confirmed by all present, and the undaunted queen once more set out

for the liberation of her husband, under the guidance of her new protector the earl of Warwick. On the earl's landing at Plymouth he proclaimed himself champion of the Lancastrian cause, and marched to Nottingham, where he was joined by many lords; and as his forces daily increased, Edward did not venture to make a stand, but hastening to the sea-coast embarked for Holland. Henry VI. was reinstated on the throne, but Edward soon after returned, bringing with him a few followers and 50,000 crowns, which he professed to be for the recovery of his family estates, and he swore on the altar at York that he had no intention of seizing on the crown. Disarmed by these professions of submission, the Lancastrians were lulled into security, and as soon as Edward could depend on the co-operation of his brother, the duke of Clarence, he threw off the mask, and marching southward engaged the royal army at Barnet, in which battle the earl of Warwick, lord Montague, and other famous leaders of the Lancastrian party, were slain [April 14, 1471]. This victory decided the fate of the throne; the unfortunate Henry was taken, and for the last time committed to the Tower, while his queen and the prince of Wales fell into Edward's hands a few weeks after at the battle of Tewkesbury. According to the narrative of the monkish historians, the conduct of Edward was extremely barbarous: after the battle the prince of Wales was brought into the royal tent and interrogated wherefore he had taken up arms against his sovereign and invaded his kingdom of England; to which he undauntedly replied, "I came to England to maintain my rights, and to revenge my father's wrongs." Edward struck him in the face with his gauntlet, and the courtiers who were standing round pierced him through with their swords. Preyed upon by remorse, Edward is said to have surrendered himself up to evil favourites, and to have indulged in the lowest debaucheries, paying but little attention to the affairs of the kingdom, and on a mere frivolous pretext causing his brother, the duke of Clarence, to be put to death. These statements, however, rest solely on the authority of the monkish historians, who are known to have been secretly, if not openly, in the Lancastrian cause, regarding the sovereigns of the house of York as usurpers, and adverse to the interests of the church: making, however, every allowance for prejudice and partiality, it is evident that the character of Edward IV. will not bear a rigorous scrutiny: nevertheless, as a politician he seems to have understood the position in which he was placed; and knowing the danger of leaving the country at rest after so long a period of excitement, he renewed the claim of the English kings to the throne of France, a scheme exceedingly popular with the lower orders, and by a vigorous attack on Normandy not only

increased his reputation but added to his pecuniary resources, Louis agreeing to pay 75,000 crowns, with a pension of 50,000 a year, besides a further sum of 50,000 for the ransom of his sister Margaret, wife of Henry VI., who had been kept in confinement since the battle of Tewkesbury. To furnish supplies for this war the king resorted to a novel mode of raising loans or benevolences on the merchants and wealthy citizens, promising to pay them when he should obtain money from the commons, a precedent which was followed in later times by the Tudor and Stuart kings. Towards the close of his reign Edward endeavoured to cultivate the friendship of the commons, and with this view resumed the grants of the crown lands, which had been lavishly squandered during the insecurity of the civil wars, so that the royal revenue had dwindled to £5000 a year, although in former times it had been sufficient to support the whole expenditure of government. The lords strongly opposed this measure as depriving them of their wealth, but the commons were zealous in its support, and on several occasions when applied to for new subsidies repeated their request to the king that he would take such order for the recovery of the regal domains that the king might live of his own, as in ancient days, without over-burdening his people. That the object of the commons in pressing this scheme was present relief cannot be doubted, but certain it is that the tendency of such a measure would have been to reduce the power of that body, by taking away their hold on the public purse, and rendering the crown independent of the people: such an adjustment, however, was beyond the power of any monarch to attain, however moderate his household, for since the time to which the commons referred, a vast change had taken place in the relations of society; land was no longer the only source of wealth, and the feudal dues which had abundantly replenished the exchequers of the Norman kings were either difficult to collect or had entirely disappeared, so that the king was compelled mainly to rely on the votes of the house of commons, by which means this body obtained its influential position in the state.

The weakness of the crown and the unsettled state of the country during the reigns of Henry VI. and Edward IV. offered a favourable opportunity for innovation, and the commons availed themselves of this position of affairs to change their former mode of petition for complete statutes. This was a vast improvement in the vital principles of the constitution, for according to the ancient custom of petitions the laws of the new session were left to be engrossed till after the dissolution of parliament, when those who had been concerned in their enactment were no longer present to interfere, and the ministers of the crown were able to

alter and modify the intentions of the legislature without even the possibility of detection, so that statutes which were made for the express purpose of reforming the abuses of the government were either mutilated, or so perverted as to fail entirely of their purpose; but the substitution of bills avoided all possibility of error or deception on the part of the executive, and it soon became the admitted maxim of the constitution, that the king must either grant or withhold his consent to the complete statute without addition or modification.

The effect of this change in the procedure of parliament has been regarded by constitutional historians as the commencement of the triple division of our legislature; "for," says Mr. Hallam,* "as it is impossible to deny that while the king promulgated a statute founded upon a mere petition he was himself the real legislator, so I think it is equally fair to assert, notwithstanding the formal preamble of our statutes, that laws brought into either house of parliament in a perfect shape, and receiving first the assent of lords and commons, and finally that of the king, who has no power to modify them, must be deemed to proceed and derive their efficacy from the joint concurrence of all the three;" for although it had been asserted at a much earlier period "that the law of the land was made in parliament by the king, and the lords spiritual and temporal, with all the commonalty of the realm,"† yet this declaration can in the face of existing evidence be taken only as an expression of the spirit and not the practice of the constitution before the reign of Edward IV.

EDWARD V. A. D. 1483.

The jealousy which had long existed between the ancient nobility and the members of the queen's family, the Woodvilles, on account of the favour shown to them by the late king, broke out into open opposition on the death of Edward IV., and prevented that amicable adjustment of affairs which could alone have secured the peace of the kingdom during the minority of Edward V. At the time of his father's death, the prince of Wales was residing with his maternal uncle, the accomplished earl Rivers, on the borders of Wales, and his mother, the dowager queen, proposed that, considering the danger of the times, the earl should be instructed to raise an army, and accompany the young prince to London, where he was to have been crowned. This project was opposed by the earl of Hastings, who objected that it would confirm the suspicions of the nobility that the queen's family were aiming at the government of the state; and

* Hallam, *Middle Ages*, ii. p. 223, note.

† Rot. Parl. iii. 293.

he prevailed upon the queen to send her son, accompanied only by a small escort, to London. At this time, the king's uncle, Richard earl of Gloucester, happened to be on the borders of Scotland with a considerable army, and hearing the news of his brother's death, hastened to York, where he proclaimed Edward V., and received the oaths and fealty of the nobility in the name of his nephew. On arriving at Northampton, he was received by the earl Rivers and lord Gray, who came to meet him with messages from the king, and proceeded in his company to Stony Stratford, where the court then was. On entering the king's presence, Gloucester charged the earl of Rivers and lord Gray with having alienated from him the affections of his nephew, and, notwithstanding the king's declaration of their innocence, commanded them to be committed close prisoners to Pontefract castle. Having secured those whom he most dreaded, Gloucester next dismissed the king's attendants, and taking him back to Northampton, kept a strict guard on all his actions. The queen, fearing treachery, took sanctuary with her daughters and her two sons, the marquis of Dorset and the infant duke of York, in Westminster abbey; but Gloucester did not think the opportunity yet favourable for his ambitious designs, and accompanying the young prince to London, caused him to be lodged in the bishop's palace, where he received the homage of all who came to the court, and the 22nd of June was fixed as the day of his coronation; but the duke of Buckingham, who appears to have been in Gloucester's intimacy, recommended that the young king and his brother, the duke of York, should be lodged in the Tower for greater security; and the queen was reluctantly compelled to give up her children to the care of Gloucester, who was named protector of the king and kingdom by the council. Finding that the nobility, although opposed to the pretensions of the Woodvilles, were sincerely attached to the king, Gloucester and his friends kept their meetings at Crosby house, and the council continued to sit in the Tower, where it was attended by Hastings, Stanley, and other lords. On the 13th of June, Gloucester unexpectedly entered the Tower, and taking his seat at the council board, conversed familiarly with the lords who were present, but being called off, as if by urgent business, was absent about an hour and a half, and then again entering the chamber with altered countenance, said that he had discovered a plot to destroy his life, and demanded of Hastings, what punishment they deserved who had compassed this villany. "To be punished as traitors," replied the earl. Then Gloucester, laying bare his left arm, which for many years had been withered, exclaimed, "Behold the state to which the witchcraft and sorcery of the queen, my brother's

wife, and his mistress, Jane Shore, have reduced my body; and you too, traitor," (turning to Hastings,) "have been the abettor of this crime." Then, striking his fist on the table, as a signal for his guards to rush in, he exclaimed, "I arrest thee, traitor, and by St. Paul, I will not dine till I have seen thy head off!" The terrified council offered no resistance, and Hastings was hurried away to execution. A similar fate awaited the earl Rivers, lord Gray, sir Thomas Vaughan, and sir Richard Hawse, who, after a mock trial, were beheaded at Pontefract castle. To procure a plausible excuse for depriving his nephew of the throne, Richard now feigned a great concern for religious scruples, and caused a public inquiry to be brought against Jane Shore, the favourite mistress of the late king, and insinuated that Edward and his brother, the duke of York, were not the legitimate children of his brother Edward IV. Having thus prepared the way, Dr. Shaw, an Augustine friar, delivered a violent sermon at Paul's Cross, hoping that a shout would be raised in favour of Richard; but this manœuvre having failed, the duke of Buckingham, next Tuesday (June 24), openly proposed to the people at Guildhall that they should make choice of Richard for their king, and a few hired voices replying in the affirmative, Buckingham expressed his warm approval of the national choice, and desired the people to accompany him to Baynard castle to present the crown to Richard. On receiving the deputation, Gloucester feigned extreme reluctance to deprive his nephews of the throne, and said, that "although he was ready to devote his life for the public good, he had much rather see the crown worn by his fair nephew, for whom he entertained the warmest affection."—"Not so," replied Buckingham; "the free people of England will never submit to be ruled by a bastard, and if the rightful heir refuses the sceptre, they know where to find a prince who will gladly accept it." Appearing to be deeply moved, Richard made answer, "If then indeed it is the will of my people, I accept the crown." The farce being thus concluded, Richard hastened to London to possess himself of the royal treasures, and on the 6th of July, 1483, was crowned in Westminster abbey.

RICHARD III. A. D. 1483—1485.

Having succeeded in usurping the throne, Richard III. caused his nephews to be secretly murdered in the Tower, in order to secure himself from the danger of any demonstrations which might be made in their favour. This barbarous deed, however, disgusted the people, and alienated from him a great party in the kingdom, who, though content that he should enjoy the throne,

regarded this act of cruelty as an infringement of their own security; even his firm friend and supporter, the duke of Buckingham, who had been accomplice in all his designs, was so irritated at the arbitrary temper of Richard, that he retired from court, and formed an alliance with the leaders of the Lancastrian party to place the crown on the head of Henry earl of Richmond, grandson of Catherine, widow of Henry V., and of Owen Tudor, and nearest survivor of the house of Lancaster. In this attempt a great number of the nobility engaged; but the approach of Richard's army precipitated the insurrection before the plans of the insurgents were matured, and Henry, who had set sail with forty ships from St. Malo, in France, was driven back in a storm. Having gone too far to recede with safety to himself, Buckingham advanced, with all the forces he had been able to collect, to the banks of the Severn, with the intention of engaging Richard; but on attempting to cross, he found the banks overflowed, the bridges washed away, and all communication cut off with the opposite shore. After waiting several days in anxious expectation of the news of Henry's landing, he disbanded his army, and endeavoured to make his escape; being, however, discovered, he was brought to Salisbury, where Richard had taken up his head-quarters, and executed.

Thinking himself sufficiently strong, Richard now summoned a parliament, which, overawed by the presence of the army, confirmed his title, and settled the succession on his son, Edward prince of Wales, at the same time attainting the leaders of the late insurrection, and granting the king a subsidy on condition that the system of voluntary loans or benevolences, which had become frequent since the days of Edward IV., should be declared illegal.

Richard, having freed himself from immediate danger, kept his Christmas at Westminster with extraordinary magnificence, and invited to his court the queen of Henry VI. and her daughter Elizabeth, who were treated with every mark of attention, notwithstanding the current report that the latter was espoused to Henry Tudor; in fact, this appears to have been the plan adopted by Richard to thwart the ambition of his rival, for, knowing the influence Henry Tudor would acquire if he should marry the heiress of the house of Lancaster, he promised his own hand to Elizabeth as soon as the death of his queen should set him at liberty. This unnatural connection was eagerly entertained by the mother, although she had lost her brother and her three sons by the hands of the tyrant, and the engagement was to be effected by a still more serious crime. In three months, as Richard had prognosticated, the death of his queen took place, not without

strong suspicion of poison ; but his marriage with Elizabeth was indefinitely postponed ; for Ratcliffe and Catesby, two confidential advisers, fearing the revenge of Elizabeth for the injuries of her family if she should become queen, persuaded Richard that although he might obtain a dispensation from the pope for their consanguinity, the people would never regard the marriage but as the consummation of murder and incest, and that it might cost him his throne. Richard thereupon assured the citizens of London and York that no such union had ever been in contemplation, and promised to reform the abuses in the government, of which they justly complained ; but his unpopularity rendered it unsafe to call frequent parliaments, and his necessities drove him to continue the arbitrary practice of loans, so that his government became every day more insecure. This was a favourable opportunity for Henry to renew his claims, and taking advantage of some dissensions amongst the regal advisers, he ventured to land at Milford Haven, on the western coast. As he advanced through North Wales, he encountered no opposition from the inhabitants ; but few ventured to join his standard, fearing the royal army, which lay at Leicester. Henry, however, continued to receive fresh assurances of support from those who could not venture openly to declare in his cause, and lord Stanley raised a considerable body of troops, with the expressed design of joining the royal army, but with the determination of changing sides as soon as opportunity should serve. Without waiting to increase his numbers, Henry marched direct on Tamworth, and met the army of Richard, twice as numerous as his own, on the field of Redmore, about two miles from the town of Bosworth, which gives its name to the decisive battle which was fought there on the 23rd of August, 1485. At first, victory seemed to incline for Richard, but when the royalists saw Stanley on the side of Henry they wavered and fell back ; the duke of Northumberland withdrew entirely from the field, and Richard, perceiving that all was lost, spurred his horse into the thickest of the fight, and having killed the standard-bearer, sir William Brandon, made a furious rush at Henry ; the blow, however, was warded off by sir William Stanley, and Richard fell, pierced with a hundred wounds. Both sides instantly threw down their arms, and Henry VII. was crowned on the field of battle, with the coronet which had fallen from the head of Richard, amidst shouts of "Long live king Henry." Thus ended the fierce contest of the Roses, which for near thirty years, with slight intermission, had devastated England, and almost exterminated her ancient nobility.

CHAPTER XIV.

RETROSPECTIVE VIEW FROM THE ACCESSION OF RICHARD II.
TO THE EXTINCTION OF THE PLANTAGENET DYNASTY.

A. D. 1377—1485.

Causes of the freedom of the English constitution—Tendency to absolute monarchy on the continent—Absence of a privileged class in England—End of the feudal and papal period—Form of the constitution—Separation of the executive and legislative functions—Constitution of parliament—Its powers—Change of ecclesiastical policy—Right of the commons to originate money bills—Elective franchise—Parliamentary privilege—Liberty of speech—Subserviency of parliament—Royal prerogatives—Purveyance—Pardons—Court of wards—Superior condition of the middle classes.

BEFORE entering on the Tudor period it will be requisite to take a retrospective view of the progress which England had made since the accession of Richard II., and to compare it with the prospects which the rest of Europe then presented. While in England the disappearance of feudalism was followed by the establishment of a free constitution, on the continent the tendency was to absolute monarchy, and the peasants, who had suffered beneath the tyranny of the feudal nobles, only longed for the day when all should be subjected to one omnipotent will.

For the first six centuries after the establishment of the European monarchies, the people of France, Germany, Spain, and Italy, had enjoyed no ordinary share of liberty; each country had had its assembly of the estates, and the power of the nobles was frequently so exorbitant as to render the royal authority little more than a name; but in the fourteenth century, when the anarchy and oppression of the nobility had driven the mass of the people to seek shelter in the power of the crown, the combined influence of the commons and the sovereign was sufficient to overpower the aristocratic element, while the democratic was yet too weak to supply its place; and thus the limited monarchies of the middle ages became the absolute governments of the fifteenth and sixteenth centuries. It was in England alone that the tendency was the reverse; there the original ascendancy of the crown had caused the nobles to unite with the people in opposing its aggression, and they gladly surrendered their distinctive privileges to secure the ordinary blessings of freedom. "When," says De Lolme,* "the barons, whom their personal consequence had at first caused to be treated with caution and regard by the sove-

* De Lolme, On the Engl. Const., book i. ch. i. p. 21.

reign, began to be no longer so,—when the tyrannical laws of the Conqueror became still more tyrannically executed, the confederacy, for which the general oppression had paved the way, instantly took place,—the lord, the vassal, and inferior vassal, all united. They even implored the assistance of the peasants and cottagers, and the haughty aversion with which on the continent the nobility repaid the industrious hands that fed them, was in England compelled to yield to the pressing necessity of setting bounds to the royal authority.”

The people, on the other hand, knew that the cause they were called upon to defend was a cause common to all ; and they were sensible besides that they were the necessary supporters of it. Instructed by the example of their leaders, they spoke and stipulated conditions for themselves ; they insisted that for the future every individual should be entitled to the protection of the law : and thus did those rights with which the lords had strengthened themselves, in order to oppose the tyranny of the crown, become a bulwark which was in time to restrain their own. In France the reaction took an opposite turn ; the nobles, intent only on maintaining the power which they so greatly abused over the lives and fortunes of the peasants, lost sight of the real danger which threatened their independence ; the princely domains of Normandy, Anjou, Languedoc, and Touraine had already been reunited to the crown, and Brittany and Champagne were soon to follow. In Spain a similar process had been going on,—the twelve kingdoms had been united into three,—Aragon, Castile, and Granada, which were at no distant period to be absorbed under the powerful rule of Ferdinand and Isabella ; while in Germany a still worse fate awaited the miserable inhabitants, for though the elective character of the empire prevented the emperors from consolidating their power, as in the hereditary kingdoms of France and Spain, yet the greater barons, uncontrolled by the power of the crown, became independent princes and usurped the sole right of election, so that they governed without even the ordinary check of popular disaffection ; for the central government, which was too feeble to defend the personal liberty of the subject, was strong enough to enforce unconditional obedience to its subordinates by the power it derived from the whole ; and thus the petty princes of Germany were, in the most unlimited sense, arbitrary kings. As the power of the nobles on the continent declined, the influence of the assemblies of the estates first dwindled into insignificance, and then ceased altogether to be consulted ; for the third estate was not like the English house of commons, based on popular representation, capable of expanding with the increasing power of the nation, and supplying the

place which the nobles had lost, but was composed of the merchants and wealthy citizens of the towns, who had little or no connection with the rest of the country, and looked down with disdain on the rural population. But to compare correctly the progress of society in England and on the continent, we must recollect that from the earliest times many great and influential cities had existed in England: London, Winchester, and York, though second to none in Europe, formed no separate communities within themselves; they possessed local jurisdiction, and even monopolized certain trades, but they were not exempted by special immunities, and all who wished might become denizens of their corporations. It was not so on the continent in the middle ages,—the towns were insulated from the provinces in which they were situated, and for the most part inhabited by a population of different origin and different sentiments, so that no kindred interests, as in England, united the whole power of the state to resist arbitrary encroachments. Nor was this opposition of town and country confined to the political relations of society; it entered into the sphere of private life and produced a marked result in the character of continental civilization. Instead of the peasant and the farmer looking up to their county-town as the head of the district in which they lived and the source from which they drew their political knowledge, the farmer regarded the towns with almost hostile dread, for they were surrounded by walls and guarded by soldiers, and every one who passed within their gates was subjected to the most oppressive interference; even the necessities of life were taxed, and the peasant who brought his produce to market was molested at every turn by tolls and dues, as if he had entered a foreign country; while by means of their guilds the citizens closed every branch of trade, and restricted the number of workmen; thus sustaining the rate of wages at the expense of labour, and condemning the countryman without the walls to a life of serfdom, as tyrannical as the feudal system, which made the peasant the prisoner of the manor on which he was born. This state of things stood as a barrier to the progress of civilization and blighted the prospects of society; for although learning, literature, and wealth progressed to a large extent within the towns, the country remained stationary, and the majority of the people were discontented with a system which confined wealth and power in the hands of the few: that this insulation of the towns should have subsisted for generations, while almost every other relation of society had been altered, is perhaps one of the most curious facts of history.

The last and perhaps the greatest difference between the condition of society in England and on the continent in the fourteenth

and fifteenth centuries, was the absence in the former of an inferior nobility distinguished by invidious immunities from the mass of the people, and deriving their station not from superior intelligence or wealth, but solely from hereditary descent; whereas in England the difference of thane and ceorl, which in some measure corresponded with the inferior nobility of the continent, had been swept away at the Conquest, and the Normans, who supplanted the native aristocracy, formed no distinct class,—their nobility depended upon the personal power and consideration of its possessor; the holder of a peerage was alone noble, his sons and his brothers, not even excepting the eldest, were commoners, and as such, when elected by the people, sat and voted with the squires and burgesses in the lower house. “To this peculiarly democratic element in the English constitution,” observes lord John Russell,* “I am firmly persuaded the English monarchy is mainly indebted for its gradual growth, its long continuance, and present vigour.” Not even the popular Revolution of 1688 succeeded in annihilating the English aristocracy or changing the form of the constitution, for the nobles were not estranged like those of the continent, from the people, by separate interests, but took part in every struggle whether for liberty or against unjust taxation, and thus were looked up to by the commonalty as their natural leaders and guides. Such were some of the inherent causes which contributed to the establishment of free institutions in England: these incentives to liberty were further augmented by the conduct of the Plantagenet kings, who for near three centuries and a half ruled England with a degree of vigour and moderation scarcely equalled by any other line of princes who have reigned in Europe.

As the period of the feudal and papal power in England may be said to terminate with the Plantagenet dynasty, we shall take a brief sketch of the social and political condition of the people as it appeared at the close of the fifteenth century. The form of the constitution was then complete; the government of England consisted of an hereditary monarchy, amenable and subject to the laws, and of a general assembly of the nation or parliament, constituting two houses, the lords spiritual and temporal, and the commons, embracing every rank and profession in the state, and co-operating with the sovereign in the government of the country; but the peculiar feature of the constitution was the complete separation of the executive and legislative functions, for while the execution of the laws was entrusted to the king, who was for this purpose invested with the whole power of the state, the making and repealing of them belonged solely to the parliament, of which the king formed a constituent part.

* Essay on the English Constitution, p. 12.

“I know not,” says Mr. Hallam,* “whether there are any essential privileges of our countrymen, any fundamental securities against arbitrary power, so far as they depend upon positive institution, which may not be traced to the time when the house of Plantagenet filled the English throne.” We should, however, form a wrong estimate of the condition of society, did we not recollect that at the end of the fifteenth century the working of the constitution still showed many irregularities. The sources of revenue were uncertain—the prerogatives of the crown doubtful—the commons not yet accustomed to the exercise of their rights, while the nobles were too powerful to be restrained within the ordinary jurisdiction of law.

With regard to the constitution of parliament in the fifteenth century, it was essentially the same as at present; I shall therefore confine my remarks to the few instances in which it differed. Instead of meeting regularly, the parliament was absolutely dependent on the king, by whom it was summoned and prorogued at pleasure; but as the crown possessed no power to enact laws or levy taxes without the consent of the nation, this body was secure of being frequently consulted, and its main strength lay in the power to grant or withhold supplies according as the king accepted or rejected its petitions. The weight of the house of lords was much more considerable than at present, owing to the personal influence of the barons who composed it, and the greater proportion of national wealth it represented. Another peculiarity was the excess of spiritual peers in the upper house; for while England was Roman catholic, the mitred abbots and heads of religious foundations, as well as the bishops, were entitled to sit in parliament: this, however, was not felt to be an evil, it being in general the interest of the Vatican to side with the weaker party in order to maintain its own power;—so long therefore as the commons were subject to the tyranny of the nobles and the crown, the influence of the church was generally found on the side of popular liberty, and it was only after the close of the fifteenth century, when the power of the commons became paramount, that her line of policy was reversed. The personal influence of the king in parliament was much more considerable than at present, for instead of simply giving his sanction to the measures of parliament, it was customary for the sovereign to be present at the debates of the lords, advising with them on the public business, and signifying the causes which led him to approve or reject their measures. It was on one of these occasions, when Henry IV. was present, that the famous debate arose on the exclusive right of the commons to originate money bills, and through his influence

* Hallam, Middle Ages, ii. chap. viii. Part III. p. 332.

it was finally settled that money bills must originate with the commons, and that the lords must either accept or reject their vote without alteration or emendation, and that the king ought not to interfere in matters pending in parliament till brought before him by the speaker of the house of commons. In turning to the consideration of the lower house a difficulty presents itself as to the nature of the constituencies which originally returned members to parliament; for while some legal authorities maintain, that in accordance with the statute 7 Henry IV.* the elective franchise was not confined to any particular class or section of the people, but was common to all who attended the county court,—others, drawing their conclusions from the known practice of the feudal system, assert that the privilege of voting was originally restricted to the immediate tenants of the crown, who returned their representatives, instead of personally appearing at the king's council as they were bound to do by the form of tenure of their lands; and that the baronial tenantry only acquired the right through the negligence and inadvertency of the sheriffs' officers who made the returns. This point, however, is of minor importance, since it is universally acknowledged that the elections were mainly directed by the wealthy and influential inhabitants, whose interests the decisions of parliament were thought most materially to affect: the statute of 8 Henry VI. confined the franchise to holders of lands and tenements of the yearly value of forty shillings, which is the present qualification. Instead of the exercise of their political rights being looked upon by the people of England as a blessing, under the house of Plantagenet it was often regarded as a burden onerous to endure, although impossible to avoid; and several of the smaller boroughs, when not able to avoid returning members to parliament by neglect of the sheriffs' writs, obtained charters of exemption. Even those upon whom the choice of the county fell, frequently declined the honour on account of the difficulty and expense attending a residence in town, although an allowance was made to every knight of four shillings a day, and to a burgess of two shillings, so long as the session continued, to aid in defraying their charges. But towards the close of the fifteenth century a more healthy spirit is manifest, and several statutes were found requisite to restrain the frequency of false returns; which, with other circumstances, conspire to show the rising importance of the house of commons, and the greater value attached to a seat in that house. As the influence of the commons increased, the question of parliamentary privileges began to excite serious consideration: besides immunity from arrest, which had

* "All who are there present, as well suitors duly summoned for that cause as others."—7 Hen. IV. cap. 15.

long been extended to the king's servants attending on his council, the commons claimed exemption for their members from all criminal process, except in charges of treason, felony, and breach of the peace; but this they were unable to obtain till the following century. The most essential, however, of all the privileges of the commons was 'liberty of speech,' which was claimed by the speaker at the opening of every session, and secured the members from being called in question for anything debated or spoken within the walls of parliament, except by the house itself. This right once acquired was seldom infringed, even by the most arbitrary princes; the only eminent examples on record for this period being the cases of Haxey in the reign of Richard II. and of Thomas Young in that of Henry VI. Even when the country was on the verge of civil war, and justice was confounded by the fury of contending factions, the sanctity of parliamentary privilege was maintained. In the case of Thorpe, when applied to by the king, the judges refused to interpose their authority, saying that "they had no power to interfere with the privileges of parliament, which was so high and mighty a court that it might make law, and that what was law it might make no law; and further, that the knowledge and determination of privilege belonged to the lords of the parliament and not to the justices;" so that the supremacy of the parliament may be said to have been fully acknowledged even in the fifteenth century; but the use they made of their power was not always so just or so moderate as might have been expected from the gravity and responsibility of the highest court in the kingdom: frequently their decisions were guided by passion or party feeling, and so that it did not infringe their own privileges, they scrupled not to condemn the innocent to gratify the royal pleasure. The conduct, however, of parliament during the fifteenth century was not to be compared with the degrading servility of their successors under the house of Tudor. "In the former period," says Mr. Macaulay, "the parliament had been an instrument of resistance, the guardian of private rights; under the Tudors, it became an instrument of government and general policy." This, however, must be understood only with regard to the privileged classes; both under the Plantagenets and the Tudors the commons were equally callous of the interests of the inferior people. After the revolt of the peasantry in the reign of Richard II., when the charters of manumission were submitted to parliament, the commons refused to assent to them, saying "that they had rather all perish in one day than accede to them;"* nor was this a single instance: in 1392, they petitioned the king that the villeins might not be permitted

* Rot. Parl. iii. 100.

to send their children to school, nor to advance them by the church ;* that those who had been brought up to agriculture, to the age of twelve years, should not learn any trade or profession by which they might become independent of their masters, or be suffered to escape to the towns, where they were protected by the citizens, all which was contrary to the liberty of the commons : but the king wisely disregarded these complaints, and even lent his favour to the artisans and industrious classes.

In direct opposition to the privileges of parliament were the prerogatives of the crown, and although these sources of arbitrary power had in a great measure been restrained, yet purveyance and pardons still continued to interfere with the liberty of the subject, and were the frequent sources of abuse. Purveyance, which had originally been the privilege of the royal officers to purchase provisions or secure accommodation for the king's household in preference to any other competitor at a remunerative price, had been extended into the power of seizing provisions without the consent of the owner, and taking up his carts and horses not only for the king's service, but to build churches, repair castles, with other works of a public nature, whenever it was the king's pleasure to issue his warrant : if the king wished to build a new palace or lay the foundations of a new harbour, he issued his warrant to the sheriffs of the adjoining shires to levy a certain number of labourers and artizans to serve at the king's rate of wages so long as it might please him ; and if any refused, he was punished by fine and imprisonment. Another grievance was that of pardons, which, if possible, was of a still more serious character, since it contaminated the very fountains of justice : instead of the royal pardon being an act of mercy, it was frequently sold or granted to interest, and this before the committal of the offence, so that when the criminal was brought to justice, the royal pardon was produced, which shielded him from further molestation, to the great detriment of civil order. The courts of wards and liveries were likewise oppressive remnants of the feudal system : it was bad enough for the heir to be deprived of the interest of his property while under age, but this right of seignory was extended to the imposition of fines on his coming of age, and his marriage was saleable by the king, so that the multifarious extortions of the officers of the wards rendered private property in a great measure insecure : amongst other abuses complained of on the rolls of parliament, the seizing of lands for felony which were not held of the crown, forfeiting estates secured by the statute of entail, and escheating the property of minors, were of frequent occurrence. Notwithstanding these abuses the progress of the nation had been won-

* Rot. Parl. 15 Rich. II. vol. iii. 294, 296.

derful since the accession of Richard II.; and there was probably no country where law was more respected or better administered than in England. A contemporary historian, sir John Fortescue, who had every opportunity of forming a correct judgment, thus favourably speaks of England in comparison with the other countries of Europe: "There is scarcely a small village in the former country (England) in which you may not find a knight, an esquire, or some substantial householder, possessed of considerable estate; besides others who are called housekeepers, and many yeomen, of estates sufficient to form a substantial jury." To this superior condition of middle classes in England the historian attributes in a great measure the purity of justice, and the possibility of entrusting the execution of the laws to a jury, which forms so conspicuous an element in the English constitution.



Costume of Edward IV. and Edward V.
1478-1484.

CHAPTER XV.

THE HOUSE OF TUDOR.

HENRY VII. A. D. 1485—1509.

Advantages enjoyed by Henry VII.—General prosperity—Trade and commerce—Severity towards the nobles—Conversion of villenage into free tenure—Imposture of Lambert Simnel—Perkin Warbeck personates the duke of York—Doubt as to Warbeck's true character—Henry VII.'s avarice—Star Chamber—Its oppressive jurisdiction—Opposition to the encroachments of the church—Revival of literature—Art of printing—Its effect on the English language.

No prince had ever before ascended the throne under more auspicious circumstances than Henry VII. He united in his own person the title of the two great families of York and Lancaster. The country was weary of war, the strength of the nobles was exhausted, and the commons had not yet learned to assert their rights without the guidance of those whom they had been accustomed to regard as their natural leaders. Provisions were plentiful and wages high, and, as a consequence, the spirit of contentment generally diffused. Under these circumstances Henry VII. might easily have made himself an absolute monarch; but he was wisely contented with moderate power, and although the greater regularity of government could not but increase the prerogatives of the crown, the liberties of the people were scrupulously observed. Parliaments were frequent, and the laws which they enacted were exceedingly wise and salutary: commerce, which had languished during the civil wars, received a new stimulus from the discoveries of the Spaniards in the west and the Portuguese in the east; while the privileges of the English merchants were better defined by the enactment of the Navigation Laws, which secured to them the trade in foreign wines, and augmented the number of English vessels trading to foreign ports: in fact, the whole system of commerce was placed on a better footing: wool was no longer exported in a raw state to Flanders, but was manufactured into cloth or flannel; and every other branch of industry met with similar encouragement. It may at first sight appear strange that these restrictions on commerce should be enumerated amongst the causes which contributed to the development of national industry,

but in the infancy of trade and commerce, protection and even monopolies have often proved advantageous in enabling a new branch of industry to compete successfully with its foreign rivals, who have already acquired the advantages of long establishment and extensive experience: even under the patronage of a royal charter few of those who have been so bold or patriotic as to introduce a new craft have escaped the ruin of their fortunes or even of their good name. The history of paper-mills in the reign of Elizabeth, and of coal gas in our own day, are good illustrations of the difficulties which beset the footsteps of industry. The greatest peculiarity of Henry's government was the severity with which he restrained the interference of the nobles, and the economy of his household. Instead of being in continual want of supplies, as all his predecessors had been since the reign of Henry II., he had money for all the emergencies of government, and he left in his coffers at the time of his death the enormous sum of £2,000,000 sterling, without extortionately oppressing his subjects. In fact, the material wealth of England had vastly increased; instead of the bare necessities of life being scarcely procurable by the working artisan, the weekly wages of a carpenter at the end of the fifteenth century were sufficient to purchase either a lamb, four geese, half a calf, a gallon of wine, or a bushel of wheat. In consequence of this unprecedented prosperity, conversion of villenage into free tenantry advanced rapidly during the whole of this and the following reign, so that under Mary and Elizabeth but few instances occur of predial bondage; and in the 15th of James I. the claim which was made for the recovery of feudal services was disallowed,—showing that villenage was then considered to have entirely ceased. With the exception of two singular incidents the reign of Henry VII. was one of uninterrupted quiet. The earl of Warwick, son of the duke of Clarence, being the nearest male heir of the house of York, was regarded with jealousy by his uncle Richard, who kept him close prisoner in the Tower, and when Henry VII. came to the throne a cautious policy prevented him from restoring the young prince to liberty, so that Edward Plantagenet, earl of Warwick, had passed the greater part of his life in confinement, and was unknown both to the nobles and the people. Taking advantage of this general ignorance of Warwick's personal appearance, the duchess of Burgundy, Henry's implacable enemy, persuaded a priest named Richard Simon to select a youth who bore some resemblance to the long-lost prince, and to teach him how to counterfeit his appearance and character. Simon having made choice of Lambert Simnel, a baker's son, and instructed him in all the facts requisite to support the imposture, sailed with his pupil into Ireland and

presented him to the lord-deputy Fitzgerald, by whom he was recognized as the son of the duke of Clarence, and proclaimed by the title of Edward VI. Having raised a small army, Fitzgerald and John De la Pole, earl of Lincoln, one of the princes of the blood, embarked with Simnel for England and landed in Lancashire, where they were joined by many of the ancient friends of the house of York; notwithstanding Henry took the most effectual means of convincing the people of the imposture by exhibiting the true earl of Warwick, who was now removed to Shene palace, where all who wished were permitted to approach and converse with him. The army continued to increase until it amounted to at least 10,000 men, of whom 2000 were veteran troops from Germany. A battle of a serious character was fought at Stoke, near Newark, where 4000 men are said to have been left dead on the field, amongst whom were the earl of Lincoln and the lord-deputy Kildare. The impostor himself being considered by Henry too mean an object for resentment was employed in the royal kitchen as a scullion. Although not cruel by nature, Henry was harsh and severe towards the nobles who joined in rebellion against him, and on this occasion 5000 persons were attainted, and their estates confiscated to the crown, a measure which largely contributed to restore the royal revenues.

This revolt was followed by another of a still more remarkable nature: the duchess of Burgundy finding that her former scheme had been so far successful, devised the plan of counterfeiting the duke of York, who was supposed to have been murdered in the Tower with his brother Edward V., but whom she asserted to have escaped to the continent and to be then at her court: some traditional circumstances connected with the murder of the young princes by their uncle served to lend credibility to these rumours; and when Perkin Warbeck, the son of a Jewish merchant of Tournay, assumed the name and character of the duke of York, a party was formed in his favour by sir Simon Mountford, Robert Ratcliffe, and William Daubeney: their designs, however, were disclosed by sir Robert Clifford, and they were taken and executed, together with sir William Stanley, who had saved the king's life at the battle of Bosworth. Failing in his first attempt in England, Perkin Warbeck went to Flanders, where he assumed the title of Richard IV., and was acknowledged by the duchess of Burgundy as her "dear nephew" and the "White Rose of England." Again collecting a few followers, Warbeck landed at Cork, but the Irish were slow to join his standard, recollecting the disastrous fate of Lambert Simnel, and the injuries they had themselves suffered in that rebellion. Finding that nothing could be done in that country, Warbeck

crossed over to Scotland, where he was joyfully entertained by James IV., who had long been distrustful of Henry's good-will. By his means a serious rebellion was excited throughout England : while the Scots invaded the borders, the men of Devon and Cornwall, who were discontented at the weight of the taxes, marched under the guidance of Warbeck to Exeter ; failing, however, to take the town, they broke and dispersed before the approach of the royal army, and Warbeck was made prisoner at the sanctuary of Beaulieu in the New Forest, whither he had fled for shelter. Henry at first treated him with apparent generosity and permitted him to reside at court, but being discovered in an attempt to make his escape, he was brought back and committed to the Tower, where he entered into a correspondence with the earl of Warwick for effecting their joint escape. This unfortunate nobleman having been detained in close confinement the greater part of his life, was unable to judge of the correctness of Warbeck's pretensions, and believing him to be the veritable duke of York who was supposed to have been murdered in the Tower, he formed a scheme for their joint release. This was discovered to the king, who caused both Warwick and Warbeck to be tried and executed for treason : thus perished the last male of the line of Plantagenet. It should here be observed that the real character and pretensions of Warbeck still remain uncertain : notwithstanding the evidence of contemporary history, it has long been a matter of doubt whether Warbeck was an impostor or the veritable duke of York. Carte and Guthrie incline to the latter supposition, and have collected various arguments to support this hypothesis ; but the discovery of two skeletons answering to those of the princes beneath the Tower stairs leading from the royal apartments to the chapel, in 1674, while the workmen were making alterations in the Tower, seems to be decisive that Warbeck was an impostor.

Henry now endeavoured to strengthen his family interest by matrimonial alliances with the continent, and procured for his son Arthur, prince of Wales, the hand of the infanta Catharine ; his eldest daughter, Margaret, he gave in marriage to James II. king of Scotland, which originated the claims of the house of Stuart to the English throne ; Arthur soon after dying, the king, desirous not to lose the Spanish match and the 200,000 crowns which had been promised as the dower of the princess, obtained a dispensation from the pope for the infanta to be united to his second son Henry, now heir to the English throne.

With the advance of age and infirmity, the irritability of the king's temper increased ; his frugality, which had been one of the virtues of his early life, degenerated into avarice, and his unscrupulous

pulous ministers Dudley and Empson incurred the displeasure of the people by the revival of fines, and the renewal of claims which the crown had long ceased to urge. The nobles bitterly complained of the Statute of Retainers, which, by prohibiting them from granting their liveries and protection to independent citizens, greatly decreased their political influence; while the additional powers with which the parliament invested the court of Star Chamber, in order to repress the various abuses of the nobles, so extended its jurisdiction as to threaten the personal liberty of the subject, and endanger the fabric of the constitution.

The most remarkable feature of Henry VII.'s government was the severity which he exercised towards the nobles. Most of the ancient families had suffered greatly during the civil wars, and it was the policy of the Tudors to prevent them from regaining that ascendancy which they had formerly enjoyed. To effect this, the tribunal of the Star Chamber was especially adapted; its irresponsible power, and its freedom from the ordinary restraints of law, rendered it a ready engine of attack; while its secrecy and despatch defied opposition. "Not only," says lord Brougham, "did the Plantagenets and the Tudors commit to prison or ransom for heavy fines those against whom they conceived an ill-will,—thus depriving them of the protection of the common law, and signally violating the most remarkable provision of the Great Charter,—but they exercised a like control over members of parliament who had offended them, and jurors who had given verdicts displeasing to them; committing such members and jurors, interrogating them, sentencing them to imprisonment, and only releasing them on payment of heavy fines. A capital jurisdiction was never exercised by them, at least directly, but it really amounted to the same thing, whether they sentenced obnoxious men to death, or compelled timid jurors to find them guilty, through dread of personal consequences. It was in this council that all the sovereign's more violent acts were performed, because he was thus covered over with an apparent authority by the concurrence of an ancient body." *

Whilst such was the tendency in regard to the civil government, a directly opposite movement was taking place in the church. The doctrines of Wickliffe had engendered in England a spirit of opposition to the gross abuses and absurdities of the Romish church, which was further increased by the attempts of the pope to interfere with the patronage of benefices; and thus the monasteries and clergy were looked up to with less deference than in former times, the commons even threatening to bring in a bill to secularize a great portion of the church property.

* Brougham, *On the British Constitution*, chap. v. p. 68.

Simultaneously with this decline of church influence, the study of classical literature and philosophy became more general. The works of Gower and Chaucer were read with avidity, and the multiplication of books by Caxton's press enabled the higher classes to possess libraries of their own, a luxury unknown in preceding ages. The art of printing introduced a vast alteration in the English language; instead of continually varying in its orthography and inflexion, it became fixed, and even some approach to uniformity of spelling was observed. So far back as the 36th of Edward III., the first instances of the popular dialect being used in parliamentary proceedings occur; the statutes however still continued to be entered on the rolls in Latin or French, and the answers to the bills were invariably returned in the latter language; but after the first two parliaments of Henry VII., English became the universal language, not only of debate but of the statutes themselves, and thus ended with the accession of the house of Tudor the last badge of the Conquest.



Costume of Henry VII.
1490.

CHAPTER XVI.

HENRY VIII. AND EDWARD VI. A. D. 1509—1553.

Causes of the high prerogative of the crown—Henry's popularity—Attempt to levy taxes without consent of parliament—Disgrace of Wolsey—Separation from the Romish church—Dissolution of the monasteries—Effect on society—Religious persecution—Tyrannical acts of Henry's parliaments—Vigorous administration—Foreign policy—Unwise restrictions on trade—Accession of Edward VI.—Duke of Somerset chosen protector—Progress of the Reformation—Emendation of the treason laws—Revival of parliamentary influence—Invasion of Scotland—Battle of Pinkie—Martyrdom of Joan Bocher and Van Parr—Causes of discontent—Insurrection of the peasantry—Statute of mendicity—Intrigues of Warwick—Somerset's arrest and execution—Attempt to restrict the succession—Legal proceedings—Edward's death.

HENRY VIII. A. D. 1509—1547.

FROM the accession of Henry VI. there had been a retrograde tendency towards absolute monarchy, and the succession of a vigorous prince like Henry VIII. was by no means calculated to lessen the danger. The influence of the commons had considerably increased during this period, but not sufficiently to compensate for the authority which the nobles had lost; for by the civil wars and the numerous executions which had taken place, the noble families of England were too much reduced to offer any effectual resistance to the crown; thus the king's will was almost absolute. In this state of affairs Henry, a youth of eighteen years of age, ascended the throne; he was vigorous and accomplished, and his engaging manners rendered him exceedingly popular with the mass of the people. The trial of Empson and Dudley, the unscrupulous ministers of Henry VII., gave general satisfaction; and as the enormous treasure in the exchequer enabled him to govern without over-taxing his people, the prospects of his reign seemed unusually bright. His first expedition, however, against France was unsuccessful, and although the battle of Flodden, in which the flower of the Scottish nobility perished, restored the honour of the English arms, Henry's increasing expenditure and heavy exactions cooled the ardour of his popularity, and an attempt of Wolsey's to levy a

tax without the consent of parliament, nearly brought on a general insurrection : so universal was the feeling of disaffection produced by this infringement of the constitution, that the king was obliged to disown the measures of his minister and to abandon the subsidy altogether. It was at this time that the dispute arose between Henry and the pope respecting the divorce of his queen, Catherine, which resulted in the final separation of England from the church of Rome. The king having formed an attachment for Anne Boleyn, the daughter of a private gentleman, determined to displace queen Catherine, and raise his favourite to the throne. To effect this object he professed to have religious scruples about living with his brother's widow, and appealed to the pope for a divorce ; but Clement VII., fearing the power of the emperor, to whom Catherine was related, refused to gratify his wishes ; and Wolsey, who had an eye to the papacy, seconded this policy. After much delay and ineffectual negotiation the king's patience became exhausted ; he degraded Wolsey, and employed a young ecclesiastic, named Cranmer, to frame the question in such a form that it might be submitted to the universities of Europe without directly involving the case at issue. The universities of Paris and Oxford, and the Jewish doctors, returned answer that under no circumstances was it permitted by the law of God for a man to live with his brother's wife, and that the king would be justified in procuring a divorce. Pleased with this result, the king preferred Cranmer to the archbishopric of Canterbury, and without waiting for the sanction of the pope, divorced his queen and married Anne Boleyn. As soon as this came to the ears of Clement VII. he thundered forth the anathemas of the church and threatened Henry with excommunication unless he reinstated Catherine ; but the king, although a good catholic, was of too stubborn a disposition to be moved by these threats, and he openly threatened to withdraw his kingdom from the papal jurisdiction unless the pope sanctioned his marriage. Clement would gladly have received Henry again into the bosom of the church, which he had so ably defended against the doctrines of the Reformation, but the political necessity of keeping on friendly terms with the emperor precluded the possibility of a reconciliation upon terms which Henry was willing to accept. Finding his power not only unfettered but considerably increased since his separation from Rome, Henry declared himself head of the church, and obtained the sanction of parliament to the entire abolition of the papal authority in England. Nor was this so difficult a matter as might at first sight appear ; the times had vastly changed since Henry II. trembled at the frown of Rome ; the rivalry of factions in the church, with the growth of learning and intelligence, had

shaken the strongholds of superstition, and men had begun not only to see but to remonstrate against the scandalous abuses of the church. Taking advantage of the national feeling, Henry appropriated to himself the power which had formerly belonged to the church, and claimed the disposal of all ecclesiastical preferments. His first act as head of the national church was the dissolution of the monastic houses and the appropriation of their immense wealth, estimated at no less than £1,600,000 yearly, besides plate and jewels to an enormous amount, to the crown. Although there can be no doubt that Henry's rapacity was the principal inducement to this measure, yet he preferred to conceal it under the semblance of moderation, and before proceeding to extremities he sent commissioners to inquire into the revenues and abuses of all the religious foundations in England; and having procured sufficient evidence of their perversion from their original foundations, he caused a series of charges to be published, in which it was shown that the monasteries and nunneries were no longer the refuge of the wayfaring traveller or of the poor, but hot-beds of immorality and crime; and although many of these charges may have been exaggerations, yet there can be little doubt that the time had come when these institutions had ceased to perform any useful function in the state, and their dissolution was not only desirable but fraught with many political advantages. Instead of one-fourth of the people being shut up from all the ordinary employments of life, the occupants of the religious houses were again brought into society; and this great increase in the amount of available labour produced an unprecedented activity in trade and commerce: manufactures were more industriously pursued, and the press for employment caused many new enterprises to be undertaken. The distribution of the monastic lands amongst the laity also contributed to forward the Reformation by engaging the influential families in its support, as they well knew if the Roman hierarchy should be again established, they would be compelled to deliver up their spoils. The only cause of regret in the dissolution of the monasteries is that the magnificent structures of Gothic architecture and the valuable libraries of rare manuscripts should have been so ruthlessly destroyed. At the commencement of his religious reforms Henry caused the bible to be translated into English and placed it in the churches for public perusal: but he soon found that the unrestricted study of the scriptures was ill calculated to render men submissive to his arbitrary dictates; he therefore restricted the reading of the bible to the learned and educated classes, and compelled the clergy to subscribe to ordinances, which, from their inconsistency both with the catholic and reformed religions, were named the

‘bloody articles.’ The professors of the former were condemned for not acknowledging the king’s supremacy, and the converts to the latter for denying the doctrine of transubstantiation or the real presence; so that catholics and protestants were burned together at the same stake. Nor were Henry’s oppressions confined to ecclesiastical matters: he carried the same bold and tyrannical spirit into every sphere of government; and not only the nobles and clergy, but the commons, were equally submissive to his will. Parliament attainted his ministers and wives at pleasure, and even permitted him to alter the order of succession, thus risking again the horrors of a civil war. To deny the king’s supremacy—to marry the king after having lived incontinently in any respect—to have any criminal intercourse with the king’s reputed children or his relations—to slander the queen (Anne Boleyn) or her issue, were made capital offences; and the execution of these laws were made still more tyrannical than their enactment: such men as sir Thomas Cromwell and sir Thomas More were condemned without a hearing. To add to the infamy of their decisions on one of these occasions, the commons, fearing that their sentence would not stand the test of law, sent to the judges to inquire if an attainder in parliament could be reversed in an inferior court; to which the judges correctly replied in the negative; but added, that as parliament was the highest tribunal in the realm, it became it to show an example of justice to the inferior courts. This salutary admonition was disregarded, and parliament was not ashamed to act upon its privilege. The condemnation of the earl of Surrey, the most accomplished man of his age, and of his father the duke of Norfolk, for quartering the royal arms with their own, to which they were entitled in the opinion of the heralds, may be mentioned as one of the most barbarous acts of Henry’s reign; but were we in want of evidence of the atrocity of Henry’s private character, his conduct towards his queens affords an eminent example: tired of Anne Boleyn, as he had previously been of Catherine of Aragon, he caused her to be accused in parliament of adultery, and the next day after her execution publicly married Jane Seymour, who died about a year after. His choice next fell on Anne of Cleves, with whom he fell in love by report, but not finding her so beautiful as he had anticipated, he was again divorced, and sir Thomas Cromwell, who had been so unfortunate as to recommend the marriage, was degraded and impeached. His fifth wife was Catherine Howard, niece of the duke of Norfolk, who only retained his affections for a short period, and then it was discovered that before her marriage she had lived incontinently, and this by the new law amounted to treason, so that she was executed to make room for Catherine.

Parr, the widow of Neville, lord Latimer : this lady was more than once placed in danger by her attachment to the reformed religion, but her prudence and forbearance saved her life, and she had the good fortune to survive her tyrant. That Henry VIII. should have acted thus is not so much to be wondered at, as that his clergy and parliament should have sanctioned him in it. Nor was the conduct of parliament less reprehensible with regard to the laws affecting the general security of life and property : besides placing the consciences of men at the disposal of a tyrant, the commons passed a statute in 1541 releasing the king from all his former debts, and decreeing that if any person had been already paid he should be compelled to refund. It was further enacted, that the king might repeal all laws made before his attaining the age of twenty-four ; and, above all, that his proclamations, if promulgated under pain of fine and imprisonment, should have the power of law : which latter concession might be said to threaten the very existence of the constitution ; but Henry VIII. was not at all averse to parliaments, as he was the better able to indulge his passions under the shelter they afforded him, and on one occasion, it is entered in the journals, that when the commons prayed that the servant of one of their members might be released, as he had been imprisoned for debt contrary to the privileges of the house, the king replied that it pleased him well, and he only hoped that as he was one of the constituent parts of parliament, the same favour might be extended to him and his servants. It was the good fortune of Henry to succeed to a throne which had been strengthened by so wise and moderate a prince as Henry VII. ; and by pursuing the line of policy which had already been marked out for him, he brought the kingdom to a high state of perfection without much exertion on his own part ; he appointed wise and able ministers, and permitted no tyranny but his own ; his own gratification was the ultimate object of his life, and while he made the nobles tremble he exalted the condition of the working classes : his reign saw a vast amelioration in the condition of the artisan and agricultural labourer, and, if we may judge from his popularity, his vices and his crimes were in a great measure overlooked by the men of his time, in the service they rendered to the reformation. "Henry," said cardinal Wolsey, who had a good opportunity of judging of his character, "is a prince of a most royal carriage, and hath a princely heart ; and rather than he will miss any part of his will, he will endanger the one-half of his kingdom. I do assure you that I have often kneeled before him, sometimes three hours together, to persuade him from his will and appetite, but could not prevail. Had I but served God as diligently as I have served

the king, He would not have deserted me in my grey hairs." Henry was born at a time when the relations of Europe were so nearly balanced that the influence of England began to exercise an important weight in foreign affairs. With the exception of France and Scotland, the English kings had had little connection with the continent: but Henry's relationship to Ferdinand of Spain, and the rivalry of the kings of France and Spain with the emperor of Germany for the possession of several of the minor states of Italy, which since the treaty of Cambray had become objects of ambition, brought him into connection with the principal contracting powers, his aid being alternately courted by France and Germany. As Henry's life drew to a close, he appears to have become still more arbitrary and tyrannical: the 27th of January, 1547, was the day appointed for the duke of Norfolk's execution, but the king's death having occurred the previous night, he was respited.

Few were acquainted with the inward sentiments of Henry, but on his death-bed he professed his adherence to the protestant faith, and sent for Cranmer, to whose friendship he had always remained constant. Henry was a scholar and a politician, and to his discrimination in the choice of ministers must be attributed in a great measure the glory of his reign. His policy, however, with regard to commerce and manufactures was not to be compared with that of the Plantagenet princes; instead of encouraging foreign artisans to settle in his kingdom, he passed many severe measures against them, and on one occasion banished 15,000 Flemings from London under the pretext that they monopolized labour, and by drawing trade into their own hands obstructed the national industry and drove the natives to pillage and theft,—which was supposed to be supported by the fact that in England alone there were above 60,000 persons in prison for crimes and debts, and that the annual executions reached the incredible number of 2000; whereas the true cause of this fearful amount of crime and immorality was the prevailing ignorance of the people, who were scarcely emerged from the condition of serfdom, and were unacquainted with the arts of industry, which they had to learn of foreigners; and so far from the price of grain and bread being raised, as was falsely alleged, by the number of foreigners resident in England, the natural tendency of such a state of affairs was to induce the country people to a more diligent cultivation of their lands and an improved mode of agriculture, by supplying a more ready and lucrative market. Nor was this false impression of the influence of foreign manufacturers confined to the king; it extended to the whole mass of the people, and the towns which benefited most largely by their trade petitioned

most vehemently against them ; but fortunately for England, the persecutions and misgovernment of the continental states rendered other countries still more insecure than England, so that commerce and industry continued to advance, although by slow degrees.

The English merchants, emulating the example of the Spaniards and Portuguese, began to extend the sphere of their commerce and to build more substantial vessels : the discovery of the compass, and the passage to India by the Cape of Good Hope, had been attended by the happiest consequences, and although England did not participate immediately in these discoveries, the abundance of the precious metals brought into Europe, and the stimulus given to enterprise, was sufficient to counterbalance any temporary evils arising from unwise legislation. But the great work of Henry's reign, which had more influence than even the discoveries of Columbus and the Portuguese in developing the resources of England, was the Reformation ; it infused a new life and energy into the nation, and although brought about, not as in Scotland and Germany, by the religious convictions of the people, but by the intrigues of the court, yet failed not in producing a lasting influence on the character of the people.



Costume of Henry VIII.—1535.

EDWARD VI. A. D. 1547—1553.

While the reformation in England was going on under the auspices of the duke of Somerset, who had been chosen regent during the minority of his nephew Edward VI., a similar movement was agitating almost the whole of Europe, although not with equal success. In England the young and pious king had been brought up in the reformed religion, and most of the council, through various motives, partly pure, partly interested, were favourable to its adoption, so that every encouragement was given to the preachers of the new doctrines. The better to secure the acknowledgement of the king's supremacy and to show his obedience to the civil authority, Cranmer, who as archbishop of Canterbury placed himself at the head of the reformed party, resigned his ecclesiastical jurisdiction into the hands of the council, and petitioned them to renew it, arguing that since he had received it originally from the crown, it was held during royal pleasure, and consequently must have expired with the death of the late king. The provincial bishops, who were obliged to follow the example of their metropolitan, were thus led to acknowledge the supremacy of the crown in religious matters, and a royal commission was shortly afterwards issued, causing a visitation to be made of every diocese in the kingdom, and suppressing all Romish ceremonies and superstitious observances: but every precaution was taken to shock as little as possible the religious prejudices of the people; even the images and shrines which had not been objects of pilgrimage were suffered to remain in the churches, and the clergy were still prohibited from marriage. The compilation of a new service-book to supersede the mass was intrusted to Cranmer, and he in conjunction with several other learned divines prepared and submitted for the approval of the council a form of public prayer, which has ever since been retained as the basis of the liturgy of the church of England.

The first parliament which met in Edward's reign was favourable to protestantism; it likewise made several important reforms in the administration of government; it revoked the arbitrary laws of Henry VIII., extending the punishments of treason and felony to trivial offences against the crown, and added the important provision to the original statute of 25 Edward III.* requiring the evidence of two witnesses to convict in cases of treason,—“the

* 5 & 6 Edward VI. c. 11, § 12.

only constitutional gift," says lord Brougham, "of the Tudor race."

The heavy weight of the royal prerogative in the two last reigns produced a tendency to reaction in the government, and under the milder administration of the regency, the commons regained much of their independent action. Instead of cowering before the dictates of a minister of the crown, we find them taking an active part in the administration of affairs, and on more than one occasion thwarting the views of the executive.

In the following spring, parliament granted an aid to the protector to enable him to carry on the war with Scotland; for the queen-mother, who was regent, having refused to sanction the marriage of the young queen of Scots to the heir of the English throne, a measure evidently advantageous to both countries, on account of religious objections, Somerset determined to see if he could not compel the Scots by force to consent to the match, and with this object crossed the borders at the head of a numerous and well-disciplined army: the Scots gave him battle at Pinkie, near Musselburgh, and lost 20,000 of their best men; but this victory brought with it no decisive effect, and only removed further than ever the main object in view by rousing the national enmities of the two nations. "I dislike not," said lord Huntley, "the match, but I approve not the manner of wooing." Somerset soon returned to England: the queen of Scots was sent to France, to prevent the possibility of any future attempt to carry her off by violence, and was soon after espoused to the dauphin, who succeeded to the French throne in 1559 by the title of Francis II.

More effectual measures were now taken to establish the protestant form of worship in the parochial churches; mass was entirely prohibited, and the clergy were permitted to marry; but the laws against heresy were not entirely repealed, and two unfortunate victims, Joan Bocher, a respectable woman of Kent, and Van Parr, a Dutchman, were sent to the stake, the former for maintaining that Christ was not truly incarnate of the Virgin, and the latter for Arianism. Happy would it have been for the promoters of the Reformation if they had restrained themselves from violence, but the true doctrine of religious liberty was but imperfectly understood, and Cranmer and Ridley, who had narrowly escaped persecution themselves, were the foremost to recommend *the same cruel system* to the young king.

The council, notwithstanding the repeal of the statute giving to the king's proclamations the force of law, issued a notice declaring the circulation of libels against the government an offence punishable with imprisonment and labour at the galleys: this was,

however, an exception to the general character of the protector's government, which was mild and especially favourable to the poorer classes; yet notwithstanding that he enjoys in history the enviable character of having been the only nobleman in those times who really cared for the interests of the people, some of his measures met with strong opposition. He was an earnest favourer of protestantism, and in the rural districts the people were still attached to the religion of their fathers, and looked with jealousy on any change which tended to alter the established order of society, especially as it brought with it some temporary inconvenience, besides the competition which was created in the labour market by the numbers of people thrown on society by the dissolution of the religious foundations. The estates of the church, which were bestowed on upstart men, were frequently neglected, and the poorer classes found less employment, as many of the lands which had formerly been devoted to tillage were turned into pasture, which required less care and cultivation: the subtenants too, who occupied the farms, were averse to the change of masters, as the monks, whatever their faults, were in general good landlords, and paid special attention to farming and husbandry. The enclosure of the commons and waste lands, which was at this time extensively undertaken by the large landholders, still further increased the popular discontent, and an insurrection broke out in the western and eastern counties. In Berkshire and Oxford the risings (of the peasantry) were easily repressed, but in Devonshire and Norfolk they assumed a more serious aspect. The earl of Northampton and other lords were intrusted with the raising of troops; but a great difference of opinion prevailed in the cabinet concerning the course of policy to be pursued: the landed proprietors and gentry were for enforcing obedience by severely chastising any attempts which might be made by the peasantry to disturb the peace; Somerset on the other hand preferred a milder course, and issued a commission, in opposition to the advice of the council, to inquire into the titles of the newly enclosed lands, and where they should be found defective, to restore the woods and commons as pasturage to the people; but this measure of relief was not thought sufficient by the suffering peasantry, while it drew down on the protector the ill-will of the landowners, who accused him of sacrificing their interests for his own vulgar popularity. The discontents therefore increased, and when the earl of Northampton marched against the insurgents in Norfolk, he was defeated, and the royal troops compelled to retreat; while in the west the insurgents had laid siege to Exeter, and were levelling the fences and burning the mansions of the nobility. At length lord Russell and the earl of Warwick succeeded in dispersing them, and some of the ring-

leaders were executed. It however required very stringent laws to maintain order and security in the country ; the manumission of the peasantry, and the dissolution of the monasteries in the two preceding reigns, had thrown the labouring population on their own resources, and in periods of scarcity, as there were no means of obtaining relief, many men were driven to resort to pillage and robbery. To suppress this serious evil, which in ancient days had caused our Saxon ancestors to institute the system of frankpledge, parliament passed the statute of mendicity, providing that food and shelter should be afforded to the aged and infirm by the voluntary contributions of the parishioners, but that sturdy beggars and persons found living idle for the space of three days should be brought before a magistrate and summarily punished by scourging, and then delivered over to a master to be worked as if bondmen, for a term of years : another remarkable clause also provided that the children of beggars were to be held as common property, and any one who would undertake to feed them might have the value of their services till they attained the age of 21 or 23.

As a subordinate punishment, whipping-posts were set up in every parish, and even respectable persons when travelling from one village to another, if they were not furnished with a magistrate's certificate, were liable to be flogged : many distressing examples of the severity with which these laws were executed are to be met with in the original records of the time ; but, however barbarous the legislation which condemned misfortune as a crime, it had the effect of greatly lessening the number of offences and increasing the general security. These laws naturally pressed with great severity on the working classes, by restricting their personal liberty and preventing them from seeking the highest market for their labour, which kept down wages, while the influx of the precious metals from the Indies, and the scarcity of the seasons, rendered the ordinary necessities of life dear, so that after a period of great prosperity like the two preceding reigns, the people were discontented and restless.

These disturbances gave Somerset's enemies in the council an opportunity of undermining his authority, which was more extensive than had ever before been possessed by a subject : Dudley, earl of Warwick, more especially designed his overthrow, and plotted with Southampton, St. John, and lord Arundel, against him. The wars in Scotland and France languished for want of supplies : the unfortunate signing of the warrant for his brother's execution, and the means resorted to for building his mansion in the Strand, likewise hastened his fall. The council held an extraordinary meeting at Ely house, 6th of October,

1549, in which they called on the lord mayor, the lieutenant of the Tower, and the chief nobility and gentry, to aid them, and in future to obey their orders, and not those of the protector. Somerset finding himself deserted by his friends, fled with the young king to Windsor, but he was there arrested and sent to the Tower, on the charge of usurping sovereign power. Six lords were then chosen to be the king's governors, and the chief administration committed to Warwick, who assumed the arms and title of duke of Northumberland, and was made great master and lord high admiral. When parliament met on the 4th of November, it sanctioned these proceedings of the council, and passed an act depriving Somerset of his places, and confiscating his lands, to the value of £2000 per annum, to the crown: shortly after, however, on offering his submission and giving security in £10,000, Somerset was again released, and on the 16th of February (1550) he received his pardon, and was readmitted to the council-board. In this parliament the eldest sons of peers were first permitted to sit in the house of commons, and the first journal taken of that house.

On the accession of Northumberland (Warwick) to power, a treaty was concluded with France and Scotland, (reserving always the claim of England to either of those crowns,) by which it was agreed to surrender Boulogne to the French king for the sum of 400,000 crowns, and to affiancé Edward to a French princess; but these measures were generally disapproved of by the people, and Warwick now found it requisite to court the friendship of Somerset, who, although deprived of power, was still looked up to by the people, and possessed a considerable amount of influence at court. Their apparent reconciliation, however, was of short duration, for Northumberland, ambitious of supreme authority, devised a scheme to entrap his unwary rival, and Somerset at length, incensed by continued provocation and insult, was induced to propose the murder of the three noblemen, Warwick, Northampton, and Pembroke. Laying hold of this accusation, his enemies brought him to trial before a committee of the lords on the charge of treason and intended murder; of the former he was acquitted, but his judges found him guilty of the latter and committed him to the Tower. When the people saw him come forth without the fasces borne before him, which was the sign of a peer's condemnation, they raised a shout of joy; and this more than any other reason is supposed to have decided Warwick on his execution. After a delay of three months the warrant for execution was signed, and on the morning of the 22nd of January, 1552, he was led to Tower-hill, and there executed. Although the inhabitants had been warned to keep to

their houses, a numerous assembly collected at the place of execution before daylight, and when the head was severed from his body many persons ran forward and dipped their handkerchiefs in his blood as in that of a martyr. Several of his friends were likewise executed, and the lords Arundel and Paget compelled to offer a most humble submission. The young king, who was really religious and merciful at heart, would never have consented to his uncle's execution, had he not been persuaded by his enemies that he was guilty of much more serious offences than those of which he had been convicted. The people had just cause to lament the death of 'the good protector,' as Somerset was called; for the government was much worse administered, and Northumberland even had a design of restoring the Roman catholic religion; but finding the king passionately devoted to the protestant doctrines, he deserted the party who had helped him to power, and used every art to ingratiate himself in the good-will and confidence of the king. As Edward grew up, his health gradually declined, and in the year 1553 it was so far broken that the physicians reported his recovery hopeless. Thinking to avail himself of the statute of illegitimacy which had bastardized the princesses Mary and Elizabeth, and so to bring a crown matrimonial into his own family, Northumberland obtained the king's consent for the marriage of his fourth son, lord Guildford Dudley, to the lady Jane Grey, who had a good prospect of succeeding to the throne, as she was the great-granddaughter of Henry VII., being the grand-child of Mary queen of France, by the duke of Suffolk; and as there were legal objections against all the nearer claimants, Northumberland thought that through his influence he might succeed in placing her on the throne, and so far wrought on the scruples of the young king as to persuade him to draw up an entail to that effect. The princesses Mary and Elizabeth, as we have before observed, had been bastardized by act of parliament, and although Henry VIII. had named them to succeed after Edward VI., the statute had never been reversed. Further, Mary was a bigoted catholic. These reasons appeared sufficient in the young king's mind to exclude them from the succession, and thus the nearest claimants were the descendants of Henry VII.'s daughters, the queens of Scotland and France: the former had been excluded by the late king's will, and the duchess of Suffolk, the representative of the latter, consented to surrender her rights in favour of her daughter the lady Jane Grey. Edward therefore determined to make her his heir, and on the 11th of June, 1553, sent for the law officers and required them to draw out an instrument to that effect: they, however, declined to interfere in any such matter, assuring the council that such an instrument would

subject both the advisers and drawers of it to the penalties of treason, and recommended that it should be left till the next meeting of parliament ; but Northumberland persuaded the king to insist that it should be done without delay, and at length the judges were persuaded to consent, under condition that they should receive a warrant under the king's hand, sealed with the broad seal of England, and a pardon in full, exempting them from any molestation on this account. The instrument was accordingly presented to the king and council, who all attached their signatures to it, except sir James Hales and archbishop Cranmer, who alone remonstrated, affirming that they had already sworn to the succession of the lady Mary, and could not depart from their oaths without perjury. In vain the king urged the expedience of a protestant succession, and the evils which might result to the kingdom if Mary should succeed to the crown. Cranmer still held out, and it was not until he had received the assurance of the judges that the king might lawfully devise his crown, that he gave his consent. After lingering for some months, Edward died on the 6th of July, 1553, in the sixteenth year of his age.

CHAPTER XVII.

MARY. A. D. 1553—1558.

Disputed succession—Coronation of the lady Jane Grey—Adherence of the people to the cause of Mary—Her success—Restoration of Romanism—Wyatt's rebellion—Execution of Jane Grey—Interference of the crown in state trials—Case of sir N. Throgmorton—Danger to Elizabeth—Refusal of parliament to renew the six articles—Marriage settlement with Philip—Bribery at elections—Statutes against heresy—Religious persecution—Its influence on religion—Mistaken notions of religious indifference—Restoration of tithes and first-fruits—Arbitrary character of Mary's government—War with France—Loss of Calais—The queen's death.

PERCEIVING that the king's strength was daily declining, and knowing that he had everything to fear if the lady Mary should ascend the throne, Northumberland and the members of the council, whom he had won over to his interests, resolved if possible to get possession of the princesses Mary and Elizabeth, and with this object sent a royal mandate requiring them to repair to the court to see their brother, who was dangerously ill. Mary had left Hunsdon in Hertfordshire, and was far on her way towards London when she received secret intelligence from lord Arundel of the true state of affairs; she immediately mounted her horse and rode with all speed to Kenninghall in Norfolk, and then passing into Suffolk, took shelter in Framlingham castle, ready either to head her party, or, if requisite, to escape into Flanders. She wrote letters to all the nobility apprising them of the treachery of the council, and requiring them to support the hereditary succession of the crown. The earls of Bath and Sussex took up arms, and exhorted the people to follow their example, and many responded to the call.

On the fourth day after the king's death, everything being prepared for the coronation of the lady Jane Grey, the king's demise was publicly announced, and a deputation waited on lady Jane to inform her of her cousin's devise in her favour. On first receiving the intelligence she declined to accept the crown, and falling into a flood of tears, fainted away. She was at length reluctantly prevailed on to accept the dignity, and lifting her eyes to heaven, exclaimed, "If indeed the right be truly mine,

O gracious God, give me strength, I pray most earnestly, so to rule as to promote thy honour and my country's good."

Everything appeared to have been conducted with such secrecy and despatch as to have confounded all opposition, and on the next day the lady Jane was conveyed in state to the Tower; but on her accession being proclaimed to the people no shout of applause was heard, and one boy amongst the assembled multitude, more brave than his fellows, ventured to raise his voice in favour of Mary.

This was a moment of intense interest, not only for England, but also for Europe. A storm was imminent in the political horizon, which involved not only a struggle for the crown, but also for the church; and on the success of the cause in England, in a great measure depended the fate of protestantism throughout Europe. The emperor Charles V. beheld with admiration the firmness of his cousin Mary, who, when a child, had been betrothed to him, and highly approved of her resolute conduct,* but France declared in favour of the lady Jane Grey. The command of the army was intrusted to Northumberland, and the lords of the council hastened to summon their retainers; but a gloomy foreboding seized the public mind, and even the hearts of the bravest misgave them. It was impossible to disguise the fact, that although the partisans of Jane had the government, the fortresses, a fleet, an army, and the royal treasury in their hands, the cause of Mary was strong in the popular notion of her right; and as the duke of Northumberland passed through the city at the head of his forces, he is said to have observed to lord Grey, "See you how the people press around to gaze on us, but none wish us good luck." Sir Edward Hastings, who had been sent to levy troops for the cause of the lady Jane, led them to the support of Mary, and when Northumberland arrived at Bury St. Edmund's, he received intelligence that the enemy amounted to 30,000, and that a reward had been set upon his head: it would not have been the first time that a small and disciplined army under the command of an experienced general had defeated thrice their numbers of new levies in the field, but the duke knew that the fidelity of his troops was not to be relied upon, and his own misgivings made him hesitate to risk the fate of the cause in a single engagement; he retired first to the borders of Suffolk, and then to Cambridge, where he received intelligence that Arundel, Pembroke, and other members of the council, who had been left in London, seeing the turn affairs were likely to take, had proclaimed Mary at St. Paul's, amid the universal rejoicing of the people. Hoping to obtain pardon by a timely submission, he wrote offering his allegiance

* Dahlmann's History of the English Revolution, i. p. 66.

to Mary, and caused her to be proclaimed at Cambridge. It was, however, too late; the lady Jane had already resigned the crown, and the queen's warrant was issued for the apprehension of those who had been foremost in the rebellion. The dukes of Suffolk and Northumberland, with twenty-five other nobles and knights, were arrested, and the lady Jane, with her youthful husband lord Guildford Dudley, was committed to the Tower. Northumberland and two others were alone executed.

On arriving in London, Mary immediately proceeded to the Tower, and restored to liberty the duke of Norfolk, the duchess of Somerset, bishops Gardiner, Bonner, and Tunstall, with other eminent personages who had been imprisoned during the preceding reign on account of their religion. These she admitted into her confidence and favour, and bestowed on Gardiner the important office of chancellor, which clearly showed the course she intended to pursue. No one had more reason to hate the doctrines of the Reformation than Mary—they were associated in her mind with the divorce and ignominy of her mother and her own sufferings and imprisonment; and although at first she professed that it was her intention not to interfere with the religion of the people, it soon became evident that the re-establishment of the Romish church was the object nearest to her heart, and in the attainment of which she was ready to sacrifice her crown, and even her life. To effect this vital change in the religion of the country, however, required the utmost caution and perseverance; for the Londoners were firmly attached to the Reformation, and showed their impatience to submit to the dictates of the court in matters of conscience. Mass, at first only tolerated, was soon introduced into most of the churches, and at length was celebrated, by the queen's order, in St. Paul's and Canterbury cathedrals. Ridley, Hooper, and Cranmer, who had hitherto behaved with deference to the queen's authority, could no longer endure these innovations, and petitioned the queen for their discontinuance; she professed to be provoked at their insolence, and ordered them to be committed to the Tower. The parliament which now met had been unduly influenced in the elections, and immediately proceeded to revoke all the statutes of the late reign concerning religion, and prohibited every other form of service except that in use at the death of Henry VIII. The attainders against lady Jane Grey, her husband, lord Ambrose Dudley, and archbishop Cranmer, were confirmed, and when these illustrious prisoners were brought to trial at Guildhall, they all pleaded guilty. Cranmer, urged by the love of life, wrote to the queen, requesting her favour, and explaining the part he had taken in the affair of altering the succession, but made no allusion to the

eminent service he had done in securing her safety in her father's time. The queen, however, who had always regarded him with aversion, as the author of all her ills and the main promoter of the Reformation, made no answer to his application, although it does not appear that at that time she had any decided intention of taking away his life. The commons, although so subservient in religious matters, still entertained some regard for the liberty of the subject, and obtained from the queen the revocation of all treasons not contained in the statute of 25 Edward III., and of all felonies not existing prior to the reign of Henry VIII.

Mary, who had for some time been thinking of marrying, kept gay festivities at court, and received the proffers of many noble suitors: the king of Denmark, the infant of Portugal, and cardinal Pole were all spoken of, but the queen had fixed her affections on Courtenay, earl of Devonshire, a young man of great promise, and related to the crown. It was generally hoped that this match would be successful, but, on after consideration, Mary determined to change her resolution, and accepted the offer of the prince of Spain, who was in his 27th year and heir to the vast dominions of the emperor Charles V.: gratified by the prospect of an alliance with so noble a house, and flattered that a prince eleven years her junior should have sought her hand, she gave her promise to the imperial ambassador, and taking him into her private chapel, laid her hand upon the altar, swearing that she would receive no other than the prince of Spain for her consort. As soon as this determination was publicly known, it filled the whole nation with consternation. Even the Roman catholic party, including Gardiner, who, with all his religious zeal, had the welfare of England at heart, objected to this alliance; but the dismay of the protestants was indeed great when they learned that the queen had resolved to bestow her hand on this prince; it was in vain that the commons petitioned or her ministers remonstrated, she answered that it was for her and not for them to choose in this matter. Gardiner, perceiving that the queen's resolve was unalterably fixed, used his eloquence in advocating the treaty with the lords of the council, and recommended the people to submit to the will of their prince, but nothing could overcome the antipathy of the English to the Spanish match; they knew well that neither treaties nor promises would bind Philip, if he had the power, from trampling on the constitution, and establishing the tribunal of the inquisition. These fears were further excited by Noailles, the French ambassador, who did not wish to see so great an accession of power placed in the hands of the enemy of France. By the spring of the following year (February, 1554), discontent had ripened into open rebellion, and the men of Kent, under the command of sir

Thomas Wyatt, entered London. On this trying occasion Mary exhibited all the courage of her race, and resolved to face the danger. Instead of seeking refuge in the Tower, as she was advised by her ministers, she entered Guildhall with the sceptre in her hand, and having directed the lord mayor to summon a meeting of the citizens, she addressed them with such energy and passion that the hall resounded with acclamations, and the citizens unanimously voted 25,000 men to be placed at her disposal. When the insurgents found that the citizens were resolved to oppose them, they gradually dispersed, and Wyatt having failed in forcing his way from the Strand to Ludgate hill, was made prisoner. Although lady Jane Grey had taken no part in the rebellion, the queen was determined to remove a princess of whom she was jealous, and the very next day signed the warrant for her execution. This measure had long been recommended by the emperor as requisite for the queen's safety, and it was only the fear of popular indignation that had hitherto prevented it.

On the 12th of February, the morning appointed for the execution, the lady Jane ascended the scaffold with firm step, and having expressed her contrition for having aspired to what belonged to the queen, and her firm attachment to the protestant faith, she knelt down, and with christian resignation placed her head upon the block; her husband and her father were likewise executed. Although the nation was certainly right in adhering to the hereditary succession, every circumstance in the life of this young and amiable princess conspires to engage our admiration and sympathy. "The whole history of tyranny," says an eloquent historian,* "furnishes no example so touching as that of the lady Jane. She was a girl of seventeen, put to death by a female and relation for acquiescing in the injunction of a father, sanctioned by the concurrence of all that the kingdom could boast of that was illustrious in nobility or grave in law, or venerable in religion. The example of her fate was the more affecting, as it is that of a person who exhibited a matchless union of youth and beauty—with genius—with learning—with virtue—with piety; whose affections were so warm, while her passions were so perfectly subdued: it was a death sufficient to honour and dishonour an age." Even the Romish historians, who are in general inclined to palliate the deeds of Mary, admit that this act of severity was uncalled for; but it was only in accordance with her barbarous conduct towards the prisoners who had been taken in the affray at St. James's; besides four hundred commoners, fifty gentlemen and officers were executed in cold blood, together with the duke of Suffolk and lord Guildford Dudley, who were beheaded on Tower-hill; and the

* Mackintosh, Hist. Eng. ii. 306.

princess Elizabeth with difficulty escaped a similar fate. During these prosecutions a circumstance occurred which showed the arbitrary power which the crown still retained.

Notwithstanding the repeal of the extension of the treason and felony laws of Henry VIII., the authority which the council (or as it is frequently termed the Star Chamber, from the ceiling of the room in which the court sat,) exercised over the ordinary tribunals rendered the security of law insufficient to protect the subject from the vengeance of the crown. Sir Nicholas Throgmorton, a man of superior ability and determination, on being brought to trial, defended himself with such eloquence that he convinced the jury who were empanelled to try him, that his accusation could by no possibility be brought within the statute of Edward III.—the only existing law of treason, and they accordingly acquitted him : but as this example would have proved fatal to the interference of the crown in state trials if brought into precedent, the jurors were summoned before the council and committed to prison, some being fined in 1000 marks, and others in £ 2000, a stretch of prerogative which was not at all uncommon in these times, and under the house of Tudor threatened to overthrow the constitution by destroying the individual freedom of the subject ; for although the privy council, as lord Brougham observes, possessed no criminal jurisdiction, its authority over the inferior courts rendered it virtually absolute, and the crown by veiling its arbitrary mandates in the disguise of its authority could punish at will those juries and officers who refused to conform to its wishes, however contrary to law or inimical to liberty. To such an extent had religious fanaticism deadened the natural sensibilities of Mary's mind, that she suspected her sister Elizabeth on all occasions of danger, and even it is said wished her death, lest she should succeed to the throne and restore the protestant religion : the emperor too urged the expediency of this step, and Wyatt was consequently reprieved from immediate execution in the hope that he might be induced to incriminate the lady Elizabeth and Courtenay in his projects ; but failing to give sufficient evidence to satisfy the council, he was sent to the gallows, and at the moment of his execution voluntarily declared that his confessions had been gained from him under promise of his life, and that the princess Elizabeth had no knowledge of his designs. Arundel and Paget, who were two of the most violent members of the council, advised immediate proceeding against the princess Elizabeth, but Gardiner, who was a more wary statesman, informed the queen that by no possibility could the charges against her be brought within the statute of 25 Edward III., and unless she was willing to take the odium of her sister's death upon herself, extreme

measures had better be avoided. The prosecution was consequently abandoned, but Elizabeth was still retained in prison, and a short time after removed from the Tower to Woodstock, where she was more strictly guarded.

The subserviency of parliament which had been the disgrace of the preceding reigns was still more evident in the early part of Mary's reign; but in 1554, when a bill was introduced for enabling the queen to dispose of the crown and regulate the succession, by which was meant that she might leave it to her husband Philip, to the exclusion of the next heir, the commons rejected with disdain a measure which would have rendered England a province of the Spanish monarchy; they even went so far as to refuse to gratify the queen by renewing the law of the six articles or by making it treason to compass the death of her husband. It was in vain that Mary threatened or solicited, and all the arts of Gardiner could not prevail on the commons to acknowledge Philip as successor. The queen now became distrustful of her subjects, she felt that she could not rely on their affections, and whenever she went abroad she was surrounded by a numerous body-guard. This added to her depression of spirits, and a gloomy fanaticism foretold the coming persecution. A general sentiment of mistrust pervaded the nation, and many of the gentry sold their estates and went over to France. At this time Philip arrived in England to visit his queen, and was received with magnificent entertainments, but he could not help perceiving that his presence was anything but welcome to the English people, who identified the government of Spain with tyranny and superstition. His address, however, was grave and dignified, and he had the good fortune to recommend to Mary the liberation of the princess Elizabeth, and obtained the release of most of the political prisoners, which in some measure dispelled the adverse opinions which had been formed of his character. The parliament, which could not well do otherwise, sanctioned the marriage, but only on these conditions, that Philip, who was now king of Naples and duke of Milan, should not interfere in the government of England, which was to be carried on in the queen's name and by her sole authority; that the ships, treasure, and jewels of the English crown should not be taken away or employed in foreign service, and that in the event of the queen's death, without issue, Philip should have no right or title to the crown. These conditions were agreed to, and on the 25th of July the ceremony of marriage took place in the cathedral of Winchester. The queen's attention was now solely fixed on restoring England to the Romish church: knowing that nothing could be accomplished without the consent of parliament, she sent to the sheriffs

requiring them to make a new return, but strictly charging them only to select such as were favourable to the ancient faith; it was even said that the imperial ambassador brought over 400,000 crowns to be employed in influencing the elections, while a still more effectual means was devised by Gardiner, who procured from the pope a bull confirming to the present possessors all the lands and property which had been alienated from the church during the last two reigns, so that the nobility had no longer the powerful incentive of self-interest to oppose the restoration of the pope's authority. It was on the 1st of November, 1554, that parliament, which was entirely devoted to Mary, met, and it immediately proceeded to reverse the attainder of cardinal Pole, and take other measures for the restoration of the catholic religion: the bills against heresy which had been rejected in the previous parliament were passed, and it was made treason to compass or attempt the life of the queen's consort. But the commons would go no further; they refused to sanction the coronation of the king, and it was with difficulty that the queen obtained permission for Philip to be nominated guardian of her expected issue, "if it should happen to her otherwise than well in the time of her travail." So certain was Mary that her anxious desire for the birth of a son was about to be realized, that letters were prepared for the foreign courts, signed by the queen's hand, that they might be in readiness as soon as the joyful event occurred, and a general thanksgiving was ordered throughout the realm; but as the time advanced, the physicians discovered that the supposed pregnancy was but the symptoms of an incurable dropsy, which in a few years terminated her life.

The commencement of the year 1555 was marked by the lighting of the fires of religious persecution: Hooper, Rogers, Ridley, and Latimer, men eminent in the cause of the Reformation, were amongst the first who were brought to the stake; animated by their example, many of the laity nobly maintained the same cause, and instead of shunning the terrors of persecution, gladly surrendered themselves martyrs to their faith. In the short space of four years 290 persons* are said to have perished in the flames for the cause of religious liberty: but this estimate is probably far too low; lord Burghley, who was intimate at court and had every opportunity of forming a correct judgment, says that at least 400 perished by imprisonment, torture, famine, and fire, amongst whom were sixty women and forty children. It has been judiciously remarked that the cause of civil and religious liberty always gains more in times of adversity than in those of prosperity, and this was well exemplified in the

* Collins says 290, Speed 274, and Burnet 284.

reign of Mary: those who had remained proof against all the eloquence of the reformers succumbed to the generous feelings of humanity. They could not but admire a faith which enabled men to die thus cheerfully, and doubted of the truth of a system which required the aid of the stake and the fagot. "Hence many who were catholics at the commencement of Mary's reign were protestants at its close, and hence her successor found so little difficulty in establishing the reformed faith."* It is an error into which many continental historians have unwittingly fallen, that the English submitted to so many changes in religion because they were indifferent to religious convictions; the very contrary is the true explanation of this singular phenomenon in history. It was in England owing to the essential freedom of her institutions and the amount of religious and civil liberty enjoyed, that the people were in a great measure indifferent to the state creed, and consequently offered but little opposition to the change of the national faith. The sects in England were so equally balanced that as the crown inclined to the one or the other it gained the ascendancy; but it was the religion of the state and not of the people that was changed, and the minority still continued to enjoy the same amount of personal liberty that they did when in the majority: such was not the case in most countries where the dictum of the majority was supreme, whether under a monarchy or a republic; nor was it the case in England under Mary, who disregarded that vital principle of the English constitution, and followed the example of Spain, and from this time the English were determined that no catholic prince should again possess the throne. It must, however, be recollected, to the honour of Philip, that he was adverse to these violent proceedings, and after his departure to Flanders, whither he had been sent for by his father the emperor, who, wearied with worldly honours, was desirous of seeing his children settled in their possessions before his death, the government of England was much worse administered; the queen, urged on by her indiscriminating zeal, had restored to the church such of its lands as remained in possession of the crown, and with considerable difficulty procured a statute to be passed restoring the tenths and first-fruits which had been forfeited to the crown by Henry VIII., thus reducing the royal revenue by £60,000 a year, a loss which had to be supplied by forced loans and benevolences. Notwithstanding the statute of Richard III. making such exactions illegal, a slight difference was invented to evade the letter of the law, and privy seals were sent to all persons of credit, specifying the amount they were required to lend to the crown, and promising to repay

* Keightley, Hist. Eng. i. 457.

the same. In Norfolk and Suffolk, Mary gave orders for seizing all the corn for the victualling of the fleet, and levied an army by conscription of ten thousand men, designed for the assistance of Philip against the French ; but as the council were extremely adverse to involving England in a war with France for the sake of Spanish interests, it was detained. Philip, now the most powerful monarch of Europe, being master of Spain, Italy, the Netherlands, and New World, visited England with the hopes of overcoming these scruples. In this he succeeded, aided by his English auxiliaries ; he defeated the constable of France and took St. Quintin, but in the course of the war Calais, the last remaining fruits of the glorious victories of the Plantagenets, was lost to the English crown, after having been in its possession above two hundred years. In reality the loss of Calais was a real advantage to England, as it put a stop to those injudicious schemes of conquest and continental dominion which only expended the blood and treasure of England without any profitable return ; but the nation at that time regarded it as a public disgrace, and Mary felt it most acutely. Amid the many blemishes of this queen's reign, her concern for the national honour shines out as a noble trait in her character. "If you open my breast," said she, when on her death-bed, "you will find Calais engraved upon my heart." She died of an epidemic fever on the 17th of November, 1558, one day before her friend and relation cardinal Pole, little regretted by her own party and greatly hated by the protestants. She had the elements of a noble mind, had it been unclogged by superstition and expanded under a more genial influence ; she was, however, devout, charitable, and just, and capable of great mental energy ; but all her virtues were nipped in the bud by the blighting influence of intolerant superstition ; and, as a political act, the execution of the lady Jane must always meet with the severest censure.

CHAPTER XVIII.

ELIZABETH. A. D. 1558—1603.

State of parties on the accession of Elizabeth—Claim of Mary queen of Scots—Protestantism definitively established—Act of uniformity—The commons petition the queen to marry—Treaty of Château Cambresis—Elizabeth supports the national party in Scotland—Calvinistic doctrines—Return of Mary to Scotland—Holy League—Question of the succession—Suitors to the British queens—Civil contests in Scotland—Murder of Darnley, and escape of Mary to England—Her arraignment before the lords commissioners—Norfolk's conspiracy—League of the catholic states against Elizabeth—Massacre of St. Bartholomew—Assistance sent to the protestants in France and the Netherlands—Stringent laws against catholics—Strength of religious parties in England—Persecution of the puritans—Increased influence of parliament—Babington's conspiracy—Trial of Mary—Her condemnation and execution—The armada—Ascendency of the English at sea—Irish rebellion—Execution of Essex—Debate on monopolies—Defeat of Tyrone, and subjugation of Ireland—Elizabeth's death—High prerogative of the crown—Star Chamber and high commission—Interference with parliaments and juries—Abuse of power by privy councillors—Prosperous government of Elizabeth—Advancement of commerce and manufactures—Maritime enterprise—Literature.

THE news of Mary's death was received with universal satisfaction throughout the country. Many of the leading men hastened to acknowledge Elizabeth as the rightful heir to the crown, but her position was extremely doubtful. It was by no means sure that the country would submit without opposition to her authority; in the rural districts the Romish party were still very strong, and Mary queen of Scots had assumed the arms and title of queen of England and Ireland. The prelates too, perceiving the course affairs were likely to take, had withdrawn from Elizabeth their support, and not one out of the fifteen bishops who then occupied the bench (eleven of the sees being vacant) volunteered his services to perform the ceremony of coronation. Oglethorpe, bishop of Carlisle, was at length prevailed on; but archbishop Heath and many of the clergy absented themselves from the ceremony; for although acknowledged by the nation, it was evident to all that if the late queen was the legitimate daughter of Henry VIII., Elizabeth must be regarded as illegitimate, and the Roman catholic cabinets had actually pledged themselves to support the cause of Mary, queen of Scots and dauphiness of

France, who was considered the legitimate heir, by reason of her descent from Margaret, eldest sister of Henry VIII. The pope, whose authority had been re-acknowledged in England, declared in her favour. France and Scotland were already at war with England: it was therefore to protestantism that Elizabeth could alone look for the support of her title; and assisted by the advice of sir Nicholas Bacon and sir William Cecil, men of great capacity and application, she proceeded by slow and moderate steps to dissolve the courts for the trial of heretics, and to release those who had been imprisoned for their religion, and next to proclaim religious toleration: here she paused, till the assembling of parliament should evidence more clearly the disposition of the nation. The cruelties of Mary's reign had disgusted all moderate men with the creed of Rome, and as soon as the queen's inclinations were known, almost the whole nation became protestant by choice. On the 25th of January, 1559, when parliament assembled, the sentiments expressed by a majority in both houses were full of devotion to the crown. Elizabeth accordingly proceeded to make other reforms; she proposed the establishment of religion as it existed in her father's days, notwithstanding the remonstrances of the bishops and the strenuous opposition of the clergy and universities. Tithes and first-fruits were restored to the crown, and the queen was declared supreme head of the church, with full powers to make and repeal canons, alter discipline and ceremonies, and suppress heresies, without even consulting parliament or convocation. It was made incumbent on all who received any office in the state to accept the oath of supremacy, and those rejecting it were declared to have incurred the penalties of forfeiture for the first offence, for the second those of *præmunire*,—the third was treason. The patronage of the church was likewise invested in the crown, and bishops were prohibited alienating or leasing the revenues of their sees for more than twenty-one years; but as an exception was made in favour of the crown, the church derived but comparatively small advantage from this well-meant measure. A bill was brought into the commons for restoring the liturgy of Edward VI., but the queen wisely objected to any measures which might bear even the semblance of severity, and would not permit the Book of Common Prayer to be used in the churches until it had been reconsidered and such passages expunged as bore hardly on the catholics, or were the subject of animadversion amongst the protestant communities in Germany. She left to parliament and convocation the right of judging heretics, and only reserved to herself the power of punishing bishops who should refuse the oath of supremacy, by depriving them of their dignities. The matters in dispute be-

tween the two religious parties having been solemnly debated before parliament by the most learned divines on either side, the commons decided in favour of the Reformation, and proceeded to pass the Act of Uniformity, establishing the revised edition of the second Service-book of Edward VI. as the authorized form of public worship, and prohibiting the use of any other service under pain of forfeiture and imprisonment. The better to enforce this law, an additional clause was added, imposing a fine of one shilling on all who absented themselves from church on Sundays and holy-days, and a penalty of £20 a month on those who continued refractory. Having thus effectually established the reformed religion, the commons concluded their labours by the vote of a subsidy; followed by a respectful but urgent address to the queen, entreating her to secure the succession to the throne by marriage. She thanked them for their zeal, but decidedly refused their application, saying, that she regarded herself as solemnly espoused to her kingdom at her coronation, that she viewed her subjects as her children, and required no fairer remembrance of herself to go down to posterity than this inscription on her tomb, "Here lies Elizabeth, who lived and died a maiden queen." Philip of Spain, shortly after the death of Mary, had offered his hand to her sister Elizabeth, and promised to procure a dispensation from Rome in the event of her acceptance, for he knew that the pope would gladly retain England at any price in the communion of the church. Elizabeth steadfastly declined his overtures, but managed the affair with such courtesy and tact, that amity with Spain still continued, and Philip even volunteered to continue the war with France till Calais should have been restored to his former ally, if Elizabeth would undertake not to make peace for six years; but she wisely foresaw the difficulty and expense of so tedious a campaign, and consented to a truce, which was entered into at Château Cambresis, by which Calais was to be held by the French for eight years, Henry giving security in 500,000 crowns for its restoration within that period. The loss of Calais was a great advantage to the English, although not so considered at the time, for it freed England from a continual source of dispute with foreign countries, and, above all, checked the growth of a regular army.

The intimate connection between the crowns of France and Scotland naturally extended the English negotiations with the former kingdom to the latter also, and it was proposed that Mary should resign her present title to the English throne on condition of being declared heir to Elizabeth. But in the following summer, 1559, Francis II. having succeeded his father Henry II. on the throne of France, the aspect of affairs became entirely changed.

Elizabeth was jealous of the union of the crowns of France and Scotland, and the majority of the Scottish nation were equally averse to a measure which threatened to deprive them of their national independence. Elizabeth therefore dropped all negotiations with the queen-regent of Scotland, who was sister of the Guises and aunt of Francis II., and lent her support to the national party, most of whom were in favour of the reformed religion. The regent, a woman of extraordinary ability and untiring energy, for a long time sustained the catholic cause; but on her death in 1560, the earl of Arran succeeded to the regency, and the protestants became the dominant party. The conditions under which the Reformation had been introduced into England and Scotland were widely different: in the former country it was the work of the state, while the people were comparatively passive agents in the hands of the crown; in the latter it was the sincere conviction of the majority of the nation opposed to all the constituted authorities of their land, and this necessarily gave to it a revolutionary tendency; the people too were less prepared by learning than in England, and the state of society was far less advanced: the Reformation in Scotland was therefore much more nearly allied to that of Germany; and Knox, who had travelled in Switzerland and Germany, led the national movement with all the fiery zeal characteristic of the Calvinistic school: he condemned the episcopal church of England as little better than the papal superstitions; and demanded a republican form of government in the church, to be administered by elders and presided over by the pastors of the more considerable towns, who were to be designated by the title of superintendents. This latter aristocratic element was at first borne with patience, but it was soon found that the interference of a hierarchy was equally oppressive to the inferior clergy, whether under the title of bishops or superintendents, and the congregations therefore determined that in future each church should regulate its own internal discipline, only subject to the supervision of the general meeting; and hence the supporters of these opinions received the name of Independents. The Scottish government had been for one year under the direction of the earl of Arran, who had been appointed regent on the death of the queen dowager, and the friends of the Reformation were in full power when Mary returned to Scotland, having lost her husband Francis II. She promised not to interfere with the religion of the people, but Knox could not even endure that mass should be celebrated in the royal chapel; and on the first Sunday after her arrival the popular indignation was so great, that the reformers would have broken open the door of the chapel, had not Murray, the queen's half-brother, defended the entrance during the time of service with

his drawn sword. On this the queen sent for the *indefatigable zealot*, and reproached him with seducing the people into disobedience to their sovereign, and apostasy from their religion. "God," replied Knox, "has commanded us to obey him rather than princes, and it is in obedience to his word that I am sent to preach against the deceit and tyranny of the Romish Antichrist." "Then," said Mary, "do you consider that subjects are justified in resisting their lawful princes by force if they have the power?"—"Undoubtedly," was the answer, "when princes go beyond the bounds of their authority. Do not children bind their father, when in a fit of madness he attempts to kill them? and shall obedience be carried further towards princes who would murder the children of God, who are subject to them? Their blind zeal is only madness; therefore to deprive them of the sword, to bind their hands, and to throw them into prison till they come to their senses, is not cruel disobedience to their authority, but true obedience, because it is agreeable to the will of God." Mary trembled at the harshness of these sentiments, which she had never before heard so plainly avowed, and said, "that her conscience spoke otherwise." "Conscience," exclaimed Knox, "requires knowledge; but you, queen, have no more real knowledge than the Jews who crucified Christ." We may blame the harshness of the great reformer's language, but his heart was sincere; and had Mary acted with moderation and ordinary caution, she might have found in him a faithful and wise counsellor; but her determination was bent on the overthrow of the reformed religion, and notwithstanding the moderate counsels of her ministers and the earl of Murray, a man of honour, probity, and ability, she inflamed the popular indignation by ordering high mass to be celebrated throughout the kingdom on All Saints' Day; and in the following year, 1563, sent her letters to the cardinal of Lorraine, to be read before the council of Trent, professing her submission to its authority, and promising, if she succeeded to the throne of England, to subject both kingdoms to the Holy See. There is also reason for believing that she was secretly a party to the Holy League formed at Bayonne between the pope, the king of Spain, and the Guises, for extirpating the protestant religion in Europe. No wonder that Elizabeth and her ministers Cecil and Bacon should have mistrusted the amicable professions of Mary, and looked upon her success as fraught with danger to the English nation. Notwithstanding Elizabeth's attachment to the hereditary principle, and her hatred of the democratical doctrines of the Congregationalists, she was at length prevailed upon by Cecil to take part with the Scottish reformers, and to assist them with money and arms, as they were likely to be overpowered by

the auxiliary forces sent from France. There were, however, various causes why Elizabeth did not wish to come to an open rupture with her cousin of Scotland; and she accordingly excused her interference by alleging that it was only to counteract the influence of France, which had endangered the peace of England by sending troops into Scotland, that she had taken any part in the internal affairs of that kingdom. Although this statement was evidently insincere, Mary was in no position to declare war with England, and accordingly, notwithstanding occasional interruption of their amicable relations, the peace of the two kingdoms was preserved.

During the stormy scenes in Scotland the subject of the succession was exciting the strongest interest in England. The protestants dreaded the injury which might accrue to their religion if a zealous catholic should ascend the English throne; while moderate men, like Bacon and Cecil, looked with dismay on the prospect of a contest for the crown, if Mary's claim should be rejected. The general feeling was on the side of the elder or Scottish branch; but by the will of Henry VIII., which had received the sanction of parliament, the crown, after his own children, had been devised to the issue of his younger sister the queen of France by her second husband the duke of Suffolk; and according to this settlement the lady Catherine Grey, next sister to lady Jane, would have been the nearest heir to the throne. In this state of uncertainty the parliament often besought the queen to marry, and the people prayed her to secure a protestant succession; but Elizabeth always drew back, preferring the consciousness of undiminished power: she felt that whilst unmarried she was both king and queen, and would not relinquish one tittle of her authority. Amongst the royal and noble suitors who proffered their hands were the kings of Spain and France, the archduke of Austria, Eric king of Sweden, Adolf duke of Holstein, the earl of Arran, who was recommended by the Scottish parliament, and allied to the royal line, and Francis duke of Anjou, son of Catherine de' Medici, whom she so far inveigled as to render her subsequent withdrawal extremely difficult; but if there was any one on whom the maiden queen had really set her affections, it was Robert Dudley, earl of Leicester, son of the infamous duke of Northumberland. This connection, however, Cecil strenuously opposed, if ever it was seriously entertained, for we must remember that Dudley was, at the time of his greatest favour with the queen, a married man, and the utmost charge that can be brought against her is, that she admitted him to a closer intimacy than was becoming. While thus herself remaining single, she resolved to influence the matrimonial connec-

tion of the Scotch queen, and, above all, to prevail on her not to ally herself to a papist. She informed Mary that her hereditary right to the crown of England would depend on her choice of a husband, and even instructed her ambassador at Edinburgh to hint that "nothing could content Elizabeth so much as Mary's choice of some noble person within the kingdom of England," hinting at Dudley, earl of Leicester. When Mary heard of the proposal, she was indignant that Elizabeth should so far have presumed to meddle in her private affairs, and exclaimed, "What offer to me an English subject, and a man without whom she cannot live!" but time and reflection brought more sober thoughts, and the match was favourably entertained, when Cecil writes, "I see the queen's majesty very desirous to have my lord of Leicester the Scottish queen's husband; but when it comes to the conditions which are deemed requisite, I see her then remiss of her earnestness." The matter consequently languished, and as Leicester himself was not especially desirous of the match, Mary decided in favour of her cousin lord Darnley, who was related on his father's side to the Scottish throne, and on his mother's to the royal line of England; he was likewise a protestant and a subject of England, and therefore appeared every way competent for so high an honour. At first this match was even favourably entertained by Elizabeth, and she readily granted him permission to repair to Edinburgh; but the true character of Darnley soon became apparent: his disregard for religion, his insolent ambition, and his jealous disposition, rendered him mistrusted by Elizabeth and the English party in Scotland. Murray, the queen's half-brother, retired in disgust, and in conjunction with the protestant lords raised the banner of insurrection in the western provinces; but the queen, on the strength of the good government which Scotland had enjoyed under the administration of Murray, succeeded in raising an army in the south, and marched against them, taking the command of the troops in person. The confederate lords were unable to maintain themselves against this vigorous resistance, and retiring before their implacable sovereign, crossed the borders, and sought refuge in England. Elizabeth, who knew how to disguise her actions, received them but coldly, and declared to Murray, in the presence of the French and Spanish ambassadors, that "she would not for the price of a world maintain any subject in his disobedience against his prince." She, however, continued to supply them with money in the northern marches, where they maintained a correspondence with their friends in Scotland, and took every opportunity to frustrate the attempts of the government to restore the Roman catholic religion. Mary herself became weary

of the rudeness and insolence of her young lover, who, not contented with the title of king, demanded to be crowned and to have a share in the government,—which, however, she steadily refused. Rizzio, an Italian, and Mary's private secretary, was one of her chief advisers and often in secret conclave with her; Darnley hated him as his great opponent, and determined to effect his ruin. Unable to procure his dismissal from court, he entered into a secret plot with Ruthven and other lords to murder Rizzio, and, by the assistance of Murray and the protestant peers who were to be recalled from England, to seize upon the government. One night, when the queen, who was in the sixth month of her pregnancy, was sitting at supper with Rizzio and her natural sister the lady Argyle, the conspirators entered the chamber, and seizing Rizzio, dragged him to an adjoining apartment, where he was murdered, notwithstanding the prayers and entreaties of the queen. Mary, who could no longer conceal her contempt and even aversion for her worthless husband, every day grew colder towards him, and placed her confidence in the earl of Bothwell, who had lately been recalled from exile and reconciled to Murray. The birth of a young prince (afterwards James I. of England) gave some hopes of a reconciliation, but new dissensions soon arose, and when he was christened, his father was not admitted to the ceremony. Elizabeth, who had all along been adverse to the marriage, was taking part in a court festivity when Cecil communicated to her the important intelligence of the young prince's birth. She immediately withdrew, and, leaning her head upon her hand, appeared in great agitation: for the first few moments she remained silent, and then said, "My cousin of Scotland is mother of a fair son, while I am but a barren stock." On the following morning, when she had recovered her wonted cheerfulness, she received the Scottish ambassador Melvill, who had been sent to communicate the news, and expressed to him her readiness to be sponsor to the infant prince, who was now presumptive heir to the united crowns of England and Scotland. Excited by this condescension on the part of their queen, the people of England were in great agitation for fear of a catholic succession, and besought Elizabeth to marry, or at least to nominate her successor, as James of Scotland would in all probability be educated in the religion of his mother; but she steadfastly refused to listen to their entreaties, and said that experience had taught her how dangerous it was to have a designated successor, who might thus become a rallying point for the disaffected; and asked the commons whether the course of her government afforded any just ground of complaint. The capital of Scotland now became the scene of a fearful tragedy: it had been remarked that Mary was particularly intimate with

Bothwell, and on the 10th of February, 1567, when all were wrapped in sleep, a loud explosion disturbed the stillness of the night, and in the morning the dead body of the king was discovered in the fields near Edinburgh at a little distance from his house, which appeared to have been blown up with gunpowder: suspicion naturally fell on Bothwell, and the queen's conduct was the subject of serious animadversion. Even if the direct evidence of Mary's participation in the murder of her husband were not sufficiently substantiated, her marriage with Bothwell but three months after the death of Darnley afforded strong presumption of her guilt, and excited the indignation of the whole Scottish nation. As soon as the nobles could assemble their forces, they met at Stirling and demanded that the murderer of the late king should be delivered up to them. In vain Mary strove to induce her troops to fight; they refused to engage in so evil a cause, and after various adventures she was compelled to surrender to the confederates. Bothwell escaped to Denmark, but the queen was retained in prison, and, after hearing herself stigmatized as the murderer of her husband, and the ruin of her people, she was at length compelled to resign the crown. Meanwhile Elizabeth, whose conduct in this whole transaction was highly commendable, sent her ambassador, Throgmorton, to intercede with the insurgent lords for the life of the queen, and even threatened to enter into a league with France to put a stop to all traffic with the rebels, as she termed them, unless they consented to restore her to liberty; but Elizabeth's menaces were unavailing against the universal voice of the people, and in December (1567), when the Scottish parliament met, it confirmed all that had been done, and declared the evidence of Mary's connivance at the murder of her husband conclusive. The act of 1560, abolishing the mass and substituting the presbyterian form of worship, was ratified, and the protestant religion finally established in Scotland. Murray, who had been absent on the continent for fear of the revenge of Bothwell, during these transactions, was chosen regent, and the infant prince was crowned at Stirling by the title of James VI. Mary, who had been removed from the castle of Edinburgh to the fortress of Lochleven, succeeded in evading the vigilance of her keeper, lord William Douglas of Lochleven, and effected her escape to Hamilton, where she was joined by the lords of that powerful clan at the head of three thousand of their retainers: the regent, who was taken by surprise at Glasgow, had no forces in readiness to oppose her, and was obliged to gain time by a feigned negotiation, which was equally acceptable to the queen's party, as they looked for the arrival of reinforcements from the north: as soon, however, as Murray had assembled 4000 men he

determined to bring the matter to an issue, and although his forces amounted to only one-half those of the queen, he gained a complete victory at Langside Hill. Mary, who was watching with intense anxiety the progress of the battle from an adjacent eminence, as soon as she saw that the day was lost, gave reins to her horse, and having failed in her attempt to reach Dumbarton, rode without halting to Dundrennan abbey, near Kirkcudbright, on the Solway Firth, a distance of nearly sixty Scottish miles. The next day she embarked for England and landed at Workington, whence she proceeded to Carlisle, and despatched an envoy to Elizabeth, desiring to be admitted into the royal presence, and to be furnished with troops to re-establish her right. "The English council took the case into most grave and solemn consideration; they weighed the arguments on all sides; they viewed the dangers likely to arise to England and to protestantism in general; they saw equal peril in suffering Mary to go to France or Spain, or return to Scotland; they decided that she should be detained *for the present* in England. They certainly may have been swayed by secret prejudice; they may have fancied danger that was but imaginary; but beyond question they did what they believed to be right, and they must have known what the dangers to be apprehended really were, far better than we can do. Leaving, then, declamation to the advocates of Mary, we hesitate not to say, that, in our opinion, the council acted, under the circumstances, wisely and well."* So far as Elizabeth's private inclinations led her to interfere, she was prejudiced in favour of Mary's cause; her exalted notions of the majesty of kings, her aversion to the rebellion of subjects against their lawful sovereign, her regard for Mary as her kinswoman and the presumptive heir to her crown, were all predisposing causes in her favour. "No council," writes Cecil, "can stop her majesty from manifesting her misliking of the proceedings against the queen of Scots;" but these sentiments were overcome by graver considerations of political necessity, and Mary was detained in lord Scrope's castle of Bolton in Yorkshire, while a commission of both nations was opened with the consent of Mary to investigate the truth of the accusations laid to her charge. At first the proceedings were in her favour, but the evidence produced by Murray was declared by Cecil, Bacon, and the lords who were on the trial, to be decisive against her; and, as Hume, whose known partiality for kings ought to shield him from any suspicion of prejudice in favour of the insurgents, observes, "The objections made to the authenticity of these papers are, in general, of small force; but were they ever so specious, they cannot now be hearkened to,

* Keightley's History of England, i. p. 490.

since Mary, at the time when the truth could have been fully cleared, did, in effect, ratify the evidence against her, by recoiling from the inquiry at the very critical moment, and refusing to give an answer to the accusation of her enemies." From the moment that the queen of Scots set foot on English ground, the tranquillity of Elizabeth's reign was at an end, and her very existence threatened by a succession of conspiracies originating in religious fanaticism. The duke of Norfolk, the highest nobleman in England, and related to the crown, entered into a project to marry the queen of Scots and to liberate her by force; while the earls of Northumberland and Westmoreland, instigated by similar motives, raised a formidable rebellion in the north, where the strength of the Roman catholic party mainly lay; but owing to the wise moderation of Elizabeth in religious matters and the general popularity of her government, they met with little support, and were obliged to escape,—the one to Flanders, the other to Scotland,—where they continued to maintain a secret correspondence with the English catholics. Nor were these projects confined to the ill-affected in England; they formed part of an extensive scheme, which was supported by the catholic powers of Europe: the pope, the king of Spain, the duke of Alva, and the heads of the catholic party in France, were all united in a league for dethroning Elizabeth and extirpating the protestant religion in Europe: the queen of Scots, the duke of Norfolk, the earls of Arundel and Pembroke, and many other nobles in England, were cognizant of it, and their connivance was made known to the English ministry from a source which could not well be deceived. In July, 1568, the provost-marshal of France called sir Henry Norris aside, and desired him to advertise Cecil "that the queen's majesty did hold the wolf that would devour her;" and added, that "his master was in league with the king of Spain and the pope for accomplishing her destruction." Meantime the position of affairs on the continent was alarming; the duke of Alva had triumphed in Flanders, where 50,000* protestants had been hung, beheaded, buried alive, or burnt; and in France the queen-mother and the duke of Guise were carrying on a war of extermination against the Huguenots. In the massacre of St. Bartholomew at Paris (25th August, 1572,) 6000 victims perished in one night, while similar atrocities were perpetrated in Orleans, Rouen, Bordeaux, and other towns.† This convinced

* 100,000 according to Grotius.

† The number of protestants who perished in these massacres is variously estimated at from 10,000 to 100,000; the duke de Sully gives 70,000, and Mezeray says that above 25,000 perished in the Provinces, besides nearly 5000 at Paris, which corresponds with De Thou (Thuanus), who gives 30,000. Dr. Lingard estimates them at 1500, but gives no authority for his assertion.

Elizabeth that no enormity was thought too great which might accomplish the execrable design of extinguishing religious liberty in Europe ; and it was reported that as soon as the Huguenots and Hollanders should have been vanquished, the catholic powers had sworn to turn their united forces against England. Elizabeth now determined that her cause and that of protestantism were one, and notwithstanding her love of economy and aversion to war, she was at length prevailed on to send arms and ammunition to the protestants on the continent, whose courage seemed to grow with their misfortunes. At this time the zeal in England for the queen's person amounted almost to a religious frenzy : the people knelt down in the streets as she passed, and prayed for her long life and prosperity ; and parliament, which had not met for five years, proceeded to pass a series of statutes which can alone be explained by the uneasiness of the times. It was made treason to affirm that Elizabeth was not the lawful sovereign, or that the queen in parliament could not limit and determine the succession. Another act made it treason to publish papal bulls or absolutions, to reconcile any one or be reconciled to the church of Rome ; and those who imported popish books or relics were declared to have incurred the penalties of *præmunire*. The duke of Norfolk had already suffered for his project to liberate Mary and restore the Roman catholic religion, and the parliament wished to proceed against the queen of Scots by bill of attainder for her participation in the plot, but were positively prohibited by Elizabeth, who was compelled to dissolve the house to prevent another bill from passing "to render her incapable of the succession." Although Burghley, Walsingham, and the other ministers were unable to prevail on Elizabeth to suffer any proceedings against Mary, they entered into a negotiation with the earl of Mar, who was then (1572) regent of Scotland, to deliver her up to him "if he would give good assurance to proceed with her, by way of justice, as he had often offered to do ;" but this project was never carried into effect.

The danger which had threatened England of a foreign invasion had for the present passed away. The Huguenots in France, under the guidance of the prince of Condé and the king of Navarre, aided by Elizabeth, had succeeded in recovering their influence, and the protestant provinces of the Netherlands, under the brave prince of Orange, had thrown off the yoke of Philip, so that the kings of France and Spain had too much to do in their own dominions to think of invading England : Elizabeth took this opportunity to retaliate. Besides helping their rebellious subjects, she connived at sir Francis Drake and other naval captains fitting out vessels at their own expense to make voyages in the Spanish

waters, and to plunder their ships and towns. In 1580 Drake returned from a voyage round the world, after an absence of three years all but six weeks, bringing home a cargo valued at £800,000, the plunder of the Spanish Indies. The queen was looked up to as the head of the protestant religion in Europe: her treasury was rich, and her arsenals full of ammunition, while foreign wars or civil strife had impoverished the resources of France and Spain, and ruined their commerce. Even the inexhaustible treasures of Mexico and Peru were insufficient for the improvident expenditure of Philip II., and the system of plunder and oppression by which the precious metals were procured was fast enervating the military genius of that once brave and noble nation. The papists in England, despairing of immediate aid from the continent, devised a variety of schemes for taking away the queen's life by poison or assassination, and the Jesuits and priests who were sent over into England to excite a spirit of insubordination were implicated in many of these designs. The laws against papists were therefore more stringently enforced, and parliament passed an act "for the security of the queen's person, and continuance of the realm in peace," which was nominally to prevent any claimant to the throne of England from compassing the queen's death, but was expressly designed to exclude Mary from the succession, and was the law under which she afterwards suffered. The moderation which Elizabeth had exercised in religious matters in the early part of her reign was disturbed by the violence of the contending parties. The country at this time was divided into three religious factions,—the catholics, the church of England, and the puritans,—all opposed to each other in politics as well as religion. At this time religion was a matter of paramount importance in politics, and the strength of parties was estimated by the number and influence of those who agreed in religious sentiments. The catholics, as before observed, constituted a great portion of the landed gentry and the rural population; while the puritans were most powerful in the large towns, especially London and the manufacturing provinces of the east and south; they constituted the majority in the house of commons, and were, in fact, the main support of protestantism in England: Walsingham, Burghley, and Leicester, with many of the more learned and pious of the clergy, belonged to their party;—the church of England being the weakest of the three, and mainly supported by the queen and the primate. To maintain an equal balance between these contending factions, Elizabeth alternately persecuted the one and the other, and stretched the same laws to punish catholics and Calvinists. "The queen," says lord Brougham, "though friendly at all times to the Reformation.

held the puritans in far more hatred than the catholics, on account of their republican propensities, and their dislike of the episcopal discipline." It was against them that the act compelling all persons to go to church under pecuniary penalties was passed; and another statute, making it penal to publish or circulate seditious news or defame the queen's character, "was wrested to include the offence of writing against the liturgy, and puritans suffered death under this strange perversion."* By her authority the Star Chamber took upon itself the supervision and censorship of the press; the circulation of Roman catholic books was punished with imprisonment and death, and the act of præmunire was extended so as to subject all the catholics in the country to capital punishment for refusing a second time to abjure their religion,—a law so cruel that the queen ventured not to execute it generally.

During the latter part of this queen's reign the power of the parliament had sensibly increased. On the question of the succession, in 1566, the commons showed the first symptoms of an independent spirit;† and in 1581, when the subject was again renewed, by the proposed marriage of the queen with the duke of Anjou, they hesitated not to petition against an alliance with the blood-stained house of Valois, and, notwithstanding their anxiety for a protestant succession, besought the queen not to surrender her liberty to a worthless and profligate prince. There were, however, several reasons which made Elizabeth desire the match, besides her personal attachment to the prince: it was her object to disunite France from the confederacy with Spain; and as the acquisition of Portugal by the latter (1580) had caused a political disruption between those two countries, which was heightened by the election of the duke of Anjou to the sovereignty of the Netherlands, Elizabeth wished, by cementing the friendship with France, to counterpoise the power of Spain. Her better judgment, however, convinced her of the unadvisedness of the match; and although she punished with severity the clamour of the clergy who violently preached against it from the pulpit, she finally rejected the proposal, and the duke of Anjou again returned to his government of the Low Countries, from which he was expelled in 1583 on account of his tyranny.

The parliament had never ceased to petition the queen for the execution of Mary queen of Scots; and the discovery of the plots

* Brougham's Essay on the Constitution, p. 72.

† In a message to the house by sir Francis Knolles, the queen expressly commanded the commons to meddle no further in the matter of succession, but he contented with her promise to marry. The parliament was displeased, and warm debates ensued; upon which Elizabeth revoked the order of silence, and sent to allow the house liberty to debate on the head of succession.—See Journal of the Commons, vo. i. ann. 8 Eliz. Nov.

of Throgmorton and Babington, to take away her life by poison or assassination, in which Mendoza, the Spanish ambassador, was implicated, produced so great an effect on Elizabeth's mind that she at length determined to comply with their wishes, and after a very long conversation with Burghley and Leicester, in which they explained to her the dangers to which the kingdom was exposed from foreign invasion and the imminent overthrow of the protestant religion, if Mary should ever succeed to the crown, she gave order for Mary to be brought to trial.

The evidence produced against the queen of Scots was decisive of her having been acquainted with the designs of Babington; and having approved them, a letter was produced, in which she writes to Babington,* "*Now for that there can be no certain day appointed for the accomplishment of the said gentlemen's designs . . . I would that they had . . . scout men . . . with good and speedy horses, so soon as the design shall be executed, to come to advertise me thereof.*" The only question appeared to be the right of Elizabeth to execute an independent princess, who had only sought shelter in her kingdom, and was ready to depart if she might have been permitted: the circumstances, however, of the times must be taken in extenuation of Elizabeth's conduct on this occasion. The whole of the catholic powers were leagued against her, and the catholics in England were ready to rise in the cause of Mary: she had seen the assassination of the great prince of Orange by murderers employed by the Jesuits and the king of Spain, and she had no security against a similar fate so long as Mary lived. But the most objectionable part of Elizabeth's conduct on this occasion was the pains she took to throw the blame of Mary's execution on her ministers. If she had really been convinced of Mary's guilt and the necessity of her execution, she ought honourably to have taken the responsibility on herself, and left posterity to judge of the justice of the sentence: hoping however to satisfy the king of Scots and mitigate the resentment of the catholic powers, she protested that the deed had been done without her sanction, committed Davison to prison, and manifested her displeasure against the rest of her ministers; meanwhile saying she wondered that neither Drury nor Paulet had freed her from such a necessity, insinuating that they ought to have disposed of Mary by private means.†

* Mary on her trial denied the authenticity of this letter, but the evidence of her connection with the malcontents does not solely rest on its authority, as the whole of the correspondence passed through Walsingham's hands, and he decyphered and took copies of her letters to Paget, Englefield, Mendoza, and others, in which she recommended the invasion of England and placing her on the throne.

† As this is a serious charge against the character of Elizabeth, we here

The commissioners found Mary guilty of all the charges laid against her, and a warrant was signed for her death; but Elizabeth still remained uncertain whether she would immediately have it executed or keep it dormant for any emergency: the persuasion of her ministers, however, and the petition of the commons, decided her on immediate execution, and on the 8th of February, 1587, Mary was privately beheaded in Fotheringay castle.

The attention of the government was now turned to the evident designs of Spain against England, and several expeditions were fitted out under the command of sir Francis Drake, sir John Hawkins, and captain Frobisher, for making reprisals and destroying the Spanish shipping in their own harbours. In 1588, Philip, having made terms with the Turk, turned his whole forces against England, and equipped a fleet of greater strength than had ever been seen before, consisting of 132 ships of 59,120 tons, carrying 3165 guns and 30,621 seamen and land troops. To resist this formidable armada the English had only 197 vessels in all, and these of an inferior size, 34 belonging to the queen, and 147 furnished by the towns on the sea-coast, of which latter number the city of London supplied 38.* When the armada left the Spanish ports it was scattered by a storm, and compelled to put into the port of Corunna to refit: on the 12th of July it again put to sea, and on the 19th it was descried off the Lizard Point, in Cornwall: Lord Howard of Effingham, who was admiral of the English fleet, retired as it approached, and only engaged in occasional encounters, as the size of the enemy's ships prevented him from coming in close contact. During the night of the 29th the wind blew strong from the north-west, and the

quote from an original letter of Walsingham and Davison to sir Amias Paulet and sir Drue Drury, in whose custody Mary then (Feb. 1, 1587) was: "After our hearty commendations, we find by a speech lately made by her majesty, that she doth note in you both a lack of care and zeal for her service that she looketh for at your hands, in that you have not in all this time (of yourselves without other provocation) found out some way of shortening the life of the Scots' queen, considering the great peril her majesty is hourly subjected to so long as the said queen shall live; whereon, besides a kind of lack of love towards her, she wonders greatly that you have not care of your own particular safeties, or rather the preservation of religion and the public good and prosperity of your country."—*Letters of the Queen of Scots*, by Agnes Strickland, iii. p. 224.

* The English strength was 29,744 tons, 837 guns, and 15,785 mariners, so that the Spaniards had double the force of the English, except in the number of ships, and in guns nearly four times the force; the only cannon of 60 lbs. shot being 19 pieces, in the whole, of the English fleet, and 28 pieces of demi-cannon of 35 lbs. shot. The rest of their armament consisted of culverins, demi-culverins, sakers, mynions, falcons, and other small pieces. *Barrow's Life of Drake*, ch. viii. p. 270.

English admiral devised the plan of sending fire-ships amongst the enemy's fleet, so as to dislodge them from their position in Calais road. The Spaniards were so terrified at the danger of being burnt in their ships, which were so unwieldy as to be scarcely manageable except in the most favourable weather, that they weighed anchor; and as the gale continued, some were driven into the open sea, and others among the shoals on the coast of Flanders. The English now ventured to attack them, and a flying engagement ensued, which lasted two days and a night, with slight intermission. The Spanish armada was entirely disabled; many of the largest ships were either injured or destroyed, and the remaining remnant, not venturing to retrace the narrow seas, directed their course by the German Ocean, hoping to return to Spain by the north of Scotland; but, as the autumn came on, the roughness of the northern seas caused the greater part to be wrecked on the western coast of Ireland and some few in Scotland, where their ships were plundered and themselves put to death. Only 60 vessels returned to Spain, and these so shattered that they were scarcely able to come to port: out of the 30,621 soldiers and mariners, only 17,000 returned to tell the completeness of their defeat.* While the English fleet was engaging the enemy at sea, the queen was reviewing her troops on the opposite shore, where the distant roll of the cannon could occasionally be heard; and constant messengers arrived, bringing conflicting intelligence as to the fate of the engagement. For this memorable struggle the whole population of England, from the ages of 16 to 60, was placed under arms, and divided into three armies: the one consisting of 34,000 foot and 2000 horse was appointed for the defence of the queen's person, and was commanded by the earl of

* By an account taken apparently with great care, after a minute examination of various parties in different parts of the coast of Ireland, it appears that—

	Ships.	Men.
On the west coast of Ireland there were wrecked and destroyed	17	5394
In the British Channel and the North Sea it was estimated	15	4791
	32	10,185

exclusive of those who were slain in fight, or died of sickness and famine.

But it is said, apparently on good authority, that the utmost number of ships that reached the Spanish ports did not exceed sixty, and these generally in a very shattered condition. Stow makes the loss much greater; and Harris and Hakluyt say: "Of 134 sail that came out of Lisbon, only 53 returned to Spain; of the 4 galiasses of Naples, but 1; the like of the 4 largest galleons of Portugal; of the 91 galleons and great hulks, from divers provinces, only 33 returned. In a word, they lost 81 ships in this expedition, and upwards of 13,500 soldiers."—Barrow's *Life of Drake*, chap. viii. p. 313.

Hunsdon ; another, of 32,000 foot and 1000 horse, was stationed near London for the defence of the capital ; and the third, 20,000 strong, was to be in readiness to resist the enemy wherever he should land : the queen went in person to inspect the preparations at Tilbury, and on the 9th, when the enemy was hourly expected, addressed this memorable speech to her army : “ My loving people, we have been persuaded by some that are careful of our safety to take heed how we commit ourselves to armed multitudes, for fear of treachery ; but, assure you, I do not desire to live to distrust my faithful and loving people. Let tyrants fear. I have always so behaved myself, that, under God, I have placed my chiefest strength and safeguard in the loyal hearts and good-will of my subjects. And therefore I am come amongst you at this time, not as for my recreation or sport, but being resolved, in the midst and heat of the battle, to live or die amongst you all ; to lay down, for my God, and for my kingdom, and for my people, my honour and my blood, even in the dust. I know I have but the body of a weak and feeble woman, but I have the heart of a king, and of a king of England too ; and think foul scorn that Parma or Spain, or any prince of Europe, should dare to invade the borders of my realms ; to which, rather than any dishonour should grow by me, I myself will take up arms ; I myself will be your general, judge, and rewarder of every one of your virtues in the field. I know already, by your forwardness, that you have deserved rewards and crowns ; and we do assure you, on the word of a prince, they shall be duly paid you. In the meantime my lieutenant-general shall be in my stead, than whom never prince commanded a more noble and worthy subject ; not doubting by your obedience to my general, by your concord in the camp, and your valour in the field, we shall shortly have a famous victory over those enemies of my God, of my kingdom, and of my people.”

The Spaniards, having failed in their plan of a simultaneous insurrection and invasion of England, now resorted to reprisals, and sent aid to the queen's enemies in Ireland, where the earls of Tyrone and Desmond * were in open rebellion, and had thrown

* James Mc Thomas Fitzgerald, the titular earl of Desmond, for James, son of the great rebel earl, had been sent to England, where he was confined in the Tower, after the suppression of Desmond's rebellion in 1583. A commission was issued for settling a composition in Connaught in the place of assessments, for the maintenance of troops, when an ample composition was granted in consequence of it ; and every obstacle being removed to Elizabeth's favourite scheme of re-peopling Munster with an English colony, where, in the havoc of war, pestilence and famine had in a manner depopulated the country, letters were addressed to every county in England to encourage younger brothers to become undertakers of such a plantation in Ireland. To these, estates were

off the English yoke. The alleged ground of this revolt was the defence of the Roman catholic religion, but its primary cause was the reluctance of the Irish to submit to English laws and customs, which were now for the first time imposed on them. Under the Plantagenets the eastern portion of the island had been reduced to an English province, but the west and north still continued under the government of their native princes, and paid but a nominal obedience to the English crown: even that portion which was known as the English pale, comprehending the counties of Dublin, Kildare, Kilkenny, Longford, Louth, Meath, Wexford, Wicklow, Carlow, and Tipperary, during the civil wars was greatly curtailed, and many of the English and Scotch families, who had settled in the island, adopted the language and manners of the native Irish, so that when Elizabeth endeavoured to render the execution of the laws more certain, and divided the country into shires, as in England, the English, as well as the native Irish, resisted the attempt, and defied the power of the lord-lieutenant to enforce it. This war being unsuccessfully conducted by sir Henry Bagnal, who was defeated and slain, with 1500 of his men, Elizabeth sent the earl of Essex with instructions to reduce the enemy at all hazards, and to re-establish peace on whatever terms.

On landing in Ireland, in April, 1599, instead of marching

offered on the most advantageous terms, while none of the native Irish were to be admitted among the tenantry. Assurances were given that sufficient garrisons should be stationed on their frontiers, and that commissioners should be appointed to decide all controversies. Sir Christopher Hatton, sir Walter Raleigh, sir Thomas Norris, sir Warham St. Leger, sir George Bouchier, and a number of other gentlemen of influence and distinction, received grants of different portions of land. The lands forfeited by Desmond's rebellion are generally said to have amounted to 574,628 acres. Cox, from the MSS. of Lambeth, reckons up thirty seignories—according to a MS. in Trinity college, Dublin, thirty-three seignories—granted to as many adventurers, amounting to 208,890 acres by the first, or to 244,080 by the second computation. There remained, therefore, 330,548 acres: these were restored to such as had been pardoned, or were abandoned to the old possessors. Leases and conveyances were made, therefore, after all, to the native Irish tenantry. It will not be requisite to specify the terms, since the rank and consequence of the principal English grantees caused a neglect of all the conditions of the above grants. In many instances the new undertakers, as they were called, unjustly encroached upon the estates of the old, innocent, and loyal inhabitants. Not residing themselves, they entrusted the settlement and support of their respective colonies to agents, who were ignorant, negligent, and corrupt. In truth, the whole government in Ireland stood in ail ages in this very kind of predicament: it was a mere agency for the state of England, which, by the neglect and contempt of parliament, was, to all real intents and purposes, until the Union, the only *grand and perpetual absentee*.—Liber Hiberniæ, part i. p. 41.

directly against Tyrone, Essex was induced, at the instigation of some of the council, who hoped to recover their estates in Munster, to lead his forces thither: here he spent the best months of summer in excursions against minor rebels, and when urged by imperative letters from home to march into the north, he found his forces so wasted by fatigue and desertion that he was obliged to write to the council for a reinforcement of 2000 men. Even with this aid he was unable to encounter the power of O'Neal, and consented to an interview, which took place on the banks of the Blackwater, where a truce was concluded till the following year. Conscious that his enemies at court would take advantage of this apparent failure to traduce his character to the queen in his absence, and perceiving by her letters that she was highly incensed at his delay in bringing the war to a close, he determined, notwithstanding her late injunction to remain in Ireland,* to hasten to court with all speed, and throw himself at the feet of his sovereign. Taken by surprise, Elizabeth at first received him graciously, but afterwards sent the lord admiral to him with orders to keep his room: he was then committed to the charge of the lord keeper Egerton, but anxiety of mind and fatigue of body brought on a fever which endangered his life. The queen was much concerned for his safety, and told the physician to assure him that were it not inconsistent with her honour, she would visit him in his confinement: this gracious message and the assurance of pardon so revived his spirits that he soon recovered, and was again permitted to return to his own house, being restrained from the exercise of his offices until the queen's further pleasure should be known. In all probability Essex would have been restored to his former favour, had not an unfortunate circumstance occurred which again involved him in a dispute at court: his patent for sweet wines having expired, he applied to the queen for its renewal, but she, knowing the opposition of the house of commons to these grants, replied that "she must first know its value, and that an unruly beast must be first stinted in its provender." Essex was now convinced that there was a concerted scheme amongst his enemies at court to ruin him. He commenced a secret correspondence with the earl of Southampton, to seize on the queen's person and cause her to dismiss her ministers, and even wrote to the king of Scots, advising him to assert his right to the succession to the English crown, and offering to aid him with his life and fortune. This scheme being discovered to Cecil and the other

* Before his departure from England, Essex had obtained a general warrant, dated March 27th, 1599, to return to England whensoever he might please, leaving the government to the lords justices: he had several times notified his intention of returning, but it had always been disallowed by the queen.

ministers, they laid it before the queen, and on the 8th of February, 1601, when it was ripe for execution, a deputation of the privy council was sent to Essex house, where the confederate lords were assembled: they were admitted by a trap-door, but their attendants were excluded, and after having challenged the earl of Essex to surrender and appear before the council, they were shut up in a room, while Essex and his friends proceeded in armour down the Strand, exclaiming that he was betrayed, and requesting the citizens to arm and march with him to the royal palace, where he hoped to compel the queen to dismiss her ministers and restore him to her favour; but few joined him, and when he endeavoured to return he was opposed by the guard at Ludgate, so he embarked on the river, and, entering Essex house, found it surrounded by troops: Lord Sands advised him to make a sally, sword in hand; but he did not yet despair of mercy, and surrendered on promise of a fair trial. On the 19th of February he was arraigned before a committee of the lords, and found guilty of treasonably attempting to overthrow the government; but as some of them were his personal enemies he claimed the right to challenge them: this was disallowed, and there being no doubt as to the facts, although he declared that he had no intention of injuring the queen, a warrant was signed for his execution.

In this year the question of monopolies, which had been agitated without effect for thirty-six years, was finally determined. Finding that the commons were resolved on carrying their point, the queen thought it most prudent to make a virtue of necessity, and sent a message to them, that if they would leave it to her she would revise all the royal grants which had been made without the sanction of parliament, and such as were oppressive to the commonalty should be revoked, it having always been her desire to live no longer than to see the prosperity of her people. On receiving the thanks of the house, she added that she never set her pen to any grant which was not represented to her to be for the good of her subjects, and that as soon as the evil tendency of monopolies was pointed out to her, she could give no rest to her thoughts till the abuse was reformed, nor should they escape punishment who had oppressed her people under colour of her authority.

The brilliant career of Elizabeth was now fast drawing towards its close; the melancholy which had come over her mind since the execution of Essex was followed by physical debility, and in the beginning of March she fell into a swoon, from which she never entirely recovered. Seeing her dissolution approaching, her ministers ventured to inquire whom she wished to succeed her. "My seat," said the queen, "has always been the seat of kings:

I will have no mean person for my successor, but a king." Cecil urged her to speak more plainly. "My successor," repeated she, "must be a king; and who should this be but our cousin of Scotland?" Thus in her death did this princess, by the union of the three kingdoms, perform for her country as true a service as ever she had rendered it in life. She expired on the 24th of March, 1603, in the 70th year of her age and the 45th of her reign.

The only event of importance which occurred in the last two years of Elizabeth's reign was the success of the earl of Mountjoy over the Spaniards and rebels in Ireland. There 6000 Spaniards, having landed near Kinsale, took possession of that town and fortified it, with the intention of awaiting the arrival of reinforcements from Spain, and the coming of the earl of Tyrone with his forces from the north of Ireland: before, however, these succours could arrive, the lord deputy laid siege to the town; and when Alphonso Ocampo landed at Castlehaven with a reinforcement of 2000 troops, he found it requisite to march immediately to the relief of his friends. Having effected a junction with the earl of Tyrone, who was advancing with the flower of his Ulster forces, the two generals determined to raise the siege of Kinsale, and, avoiding the detachment under the president of Munster, which had been sent against them, came suddenly upon the English camp. Tyrone, knowing the character of the enemy with whom he had to contend, was for avoiding a general action, and took up a strong position at the distance of six miles from the camp of the besiegers, intending to cut off all communication between them and Cork, but Don Juan, seconded by the other chieftains, pressed him to advance against the English camp: at last, overruled by their united influence on the daring but rash temper of his countrymen, he reluctantly quitted his advantageous position, and advanced. The lord deputy, observing this movement, determined to commence an attack: he took with him 1200 foot and 400 horse, leaving the lord president to carry on the siege with the remainder of the army. Meanwhile, the Spaniards, little suspecting the separation of the besiegers, kept within their walls, so that the lord deputy had but one enemy to encounter at a time. But the confederate Irish, who had been considering only how they should dispose of their prisoners, retired full of dismay at the first appearance of the English forces: upon being pursued they halted, and offered battle. Lord Clanricard and Wingfield, marshal of the army, vigorously charged their horse, who had covered the retreat: after some short resistance, this body, composed of the northern chieftains and of other men of note, gave way, to the amazement and terror of their associates. The van-

guard made some resistance, but was soon broken and put to flight, leaving the Spaniards of Castlehaven to their fate: these fell bravely in the field, excepting the very few who were made prisoners, amongst which number was Ocampo. The main body, commanded by Tyrone, was next broken; while the rear, in which O'Donnel was stationed, fled without striking a blow. In this rout 1200 men were slain and 800 wounded, whilst, it is said, on the part of the English army, only one cornet was killed and a few soldiers wounded. Tyrone was still for reanimating and keeping his confederates together, but they pleaded the necessity of returning to their homes. O'Donnel, in terror and despair, fled to Spain; and Tyrone, stung with disappointment and shame, concealed himself in his own territory, with the wasted remnant of his followers.

The news of this disaster reaching the Spanish general Don Juan, he could form no other opinion of so unexpected a result than that it had been occasioned through treachery, and immediately determined to surrender Kinsale with all the other forts in the possession of the Spaniards, on condition that they should be permitted to return to their own country. These terms were granted, and Tyrone, finding his case desperate, sent, offering submission to the queen's authority, and praying pardon for his past offences: the lord deputy would have listened to no terms; but at that instant he received private intelligence of the queen's death, and fearing the effect which might be produced on the minds of the Irish, and the revival of the hopes of Tyrone when that event should become publicly known, he sent sir William Godolphin with the offer of even honourable conditions. Tyrone made the most unqualified submission on his knees, renouncing for ever the name of O'Neal, with all its pretensions, powers, dignities, rights, and pre-eminences: he was received with the stateliness of an offended sovereign by her representative, who, on the part of the queen, promised him a full pardon for himself and his followers,—also the restoration of his blood and honours, with a new patent for his lands, except some portions reserved for certain chieftains received into favour, and some for the use of the English garrisons. To these reservations Tyrone freely consented, and he thereupon accompanied the lord deputy to Dublin; no insurgent remained in the whole island who had not either obtained or sued for mercy, and thus nearly at the same hour in which Elizabeth, the last of the Tudors, breathed her parting sigh, she became the real sovereign of Ireland, that country having been 450 years in the merely nominal possession of the English crown. Tyrone immediately after the above submission heard of the queen's death: revolving in his mind the mighty fortune from which he

had just fallen, and cursing his precipitation, he burst into a flood of tears; but the opportunity he had lost was not of a nature to be ever after recalled.

Elizabeth's notion of the extent of the royal prerogative was as unbounded as that of her father or grandfather: but her actions were mostly governed by justice and moderation; and the people willingly submitted to those very tribunals of the Star Chamber and High Commission Court, which under her successors called forth the opposition of the whole nation. It was no uncommon thing for the crown at this time to interfere with the selection of jurors and the nomination of representatives to parliament. Loans or benevolences were frequently extorted, notwithstanding the statute of Richard III.; and on one occasion, in 1586, Elizabeth ventured to levy an assessment on the clergy not voted by convocation: but the most obnoxious of all the extensions of the prerogative was the assumption of arbitrary power by individual privy councillors, who assuming to be clothed, as it were, with an emanation of royal authority, committed men to prison, on their own responsibility; and so frequently interfered with the administration of justice and the personal liberty of the subject, that in 1592, when a freer spirit had already begun to be manifested in the constitution, the judges addressed the chancellor and treasurer for some remedy against this abuse, which threatened to deprive the people of the security of the laws. But the house of commons in Elizabeth's reign contained men of a bold and steady patriotism, well read in the laws and records of old time, sensible of the dangers of their country, and conscious that it was their privilege and their duty to watch over the commonweal. This led to several conflicts between the crown and parliament; wherein if the former often asserted the victory, the latter sometimes kept the field, and was left on the whole a gainer at the close of the campaign. For nearly half a century Elizabeth had conducted the country through a period of unexampled difficulty, and while the surrounding nations were convulsed by intestine dissensions and foreign wars, her wisdom and energy had maintained peace and laid the foundation of a permanent prosperity. "When Elizabeth came to the throne," says Lingard, "England ranked only among the secondary kingdoms; before her death it had risen to a level with the first nations of Europe;" and this not by the acquisition of vast territorial dominion, or the still more hazardous greatness of foreign conquest, but by the development of the internal resources of her kingdom. She was the first sovereign under whom the constitutional right of parliament to grant supplies was rendered practically available, and by the security and encouragement afforded

to enterprise, capital rapidly flowed into England. In former times, when the English monarchs had been in want of supplies, they had been compelled to borrow of foreign merchants, who exacted exorbitant interest for their money ; but in this reign sir Thomas Gresham, a patriotic and enterprising citizen, who had negotiated the repayment of the debt left by Mary on the bourse at Antwerp, succeeded in establishing the Royal Exchange, and started a company of English merchants in London to advance money to the government. As Elizabeth was punctual in the repayment of her loans, the credit of the exchequer rose, and many of the rich merchants of Italy and Antwerp resorted to England. The persecutions in France and Spain drove many of the more skilful workmen from Flanders and Paris, who brought with them into England a knowledge of the manufacture of the finer woollen fabrics ; and as the raw material was more plentiful in England, the finer descriptions, instead of being imported from Flanders, as was formerly the case, actually became a staple article of export : the making of paper and various other handicrafts were introduced with like success, and the intercourse with foreign countries became so extensive, that a regular system of insurance sprang up, which greatly diminished the risk of transport and encouraged a larger number of men to embark their capital in a branch of industry which opened so fair a field for enterprise. The demand for shipping increased, and as the foreign builders of Lubeck, Hamburg, Genoa, and Venice, who supplied the greater part of Europe with vessels, were unable to meet the increased demands of England and Spain, the English took to build vessels in their own harbours, and soon outstripped their neighbours in the lightness and durability of their craft. The new lines of commerce opened up by the discovery of the compass were diligently pursued by the English merchants. In the preceding reign a commercial treaty had been entered into with Russia, and in 1569 czar Ivan Basilovitz granted the monopoly of the Russia trade to the English merchants, who established factories in all the principal towns, and by way of the Caspian sent their commodities to Persia and Bactria. A few years later a new route to the commerce of the Levant was established by the straits of Gibraltar, and the English merchants concluded a special treaty with the sultan of Turkey, at which court they maintained a resident ambassador at their own charges. The nearer markets being already engaged, voyages of discovery were undertaken into distant parts of the world for the object of trade or plunder. John Hawkins went to the coast of Africa, and there opened a trade with the natives for gold and ivory : when these could not be procured, he carried off the people and

sold them as slaves to the Spaniards in America, thus commencing the traffic of the slave trade; while Frobisher and Davis made excursions into the northern seas, and traversed the coasts of Canada and Norway with the hopes of discovering a shorter route to India and China by the north of America or Europe; and although their efforts were ineffectual, these voyages served to make the English acquainted with the rich fisheries off Newfoundland, Spitzbergen, and Greenland. But the two men who most distinguished themselves at this period were Drake and Cavendish, who circumnavigated the globe and visited the furthest countries of the Pacific and Southern oceans. In 1572 Drake went on his first voyage to the West Indies, where he took and plundered the Spanish settlement of Nombre de Dios, on the Isthmus of Panama, and captured a rich caravan laden with the treasures of Mexico. On his return he was employed for some time in the queen's service; but in 1577, the English not being on good terms with Spain, he determined again to visit the Southern ocean, and taking with him five ships and 163 mariners, he set sail from Plymouth on the 13th of December. Before, however, reaching the straits of Magellan, he had been compelled to abandon two of his ships as unseaworthy, and on rounding Cape Horn the remaining three were scattered in a storm: one returned through the Straits, another was lost, and the third, in which Drake was, succeeded in gaining the still waters of the Pacific. Undismayed by these disasters, Drake continued his voyage, and sailing along the western coast of America with his one ship, he made frequent descents on the Spanish settlements, plundering the towns and burning the shipping without resistance; for the Spaniards, having never before met with an enemy in these seas, were taken by surprise, and everywhere threw down their arms and fled. Having amassed a rich booty, and fearing to return by the way he had come, as the Spaniards were now acquainted with his strength, he boldly stretched across the Pacific, and arriving at the Spice Islands, trafficked with the natives: thence sailing by Java he came to the Cape of Good Hope, and departed for England, arriving at Plymouth on the 3rd of November, 1580, after an absence of nearly three years, as already mentioned. His return to England was hailed with every demonstration of joy; the queen condescended to breakfast with him on board his ship, and the treasures being unladen at Deptford, were placed in the royal storehouses till their value could be estimated. It was found to be £800,000, a sum so exorbitant as had scarcely been conceived before, amounting to four times the queen's ordinary revenue. This sum was divided between the queen, the merchants who adven

tured their money in the expedition, the commander, and the mariners,—the latter receiving one-tenth, which gave above a thousand pounds to each,—a very comfortable fortune in those days, when the annual income of many justices of the peace was assessed at £10. The success of this adventure led the English merchants to bolder attempts. In 1600 the earl of Cumberland and 215 knights associated themselves into a company to trade to the Indies, and obtained a royal charter of incorporation under the title of the Honourable East India Company: the expense of their first outfit, in ships, goods, &c., was £72,000; on its homeward passage their fleet took possession of the island of St. Helena as a commodious station for watering and refitting.

The improvement effected in the currency by Elizabeth greatly tended to facilitate the extension of trade, by supplying a better medium of exchange. During her reign no less a sum than £5,513,717. 11s. was coined, viz., £4,632,932. 3s. 2d. in silver, £795,138. 8s. 4d. in gold, besides £85,646. 19s. 5½d. of base money for Ireland. The demand for agricultural produce rendered land more valuable, and the nobles began to pay attention to the cultivation of their estates. Proclamations were issued for the gentry to return home, and to keep hospitality at their country seats, instead of spending their incomes in the towns; laws were made against the increase of buildings in London; and with a view of improving the condition of the labouring classes, it was enacted that all cottages to be hereafter erected should have at least two acres of land attached to them, so as to enable the peasant to cultivate his own land, and to secure him from becoming burdensome to the parish. The introduction of cauliflowers, artichokes, asparagus, and other garden plants, shows the improvement in horticulture,—and the use of carriages, tea, and other articles of luxury, the refinement of the national taste. But, above all, the eminence to which learning and poetry attained mark Elizabeth's reign as the Augustan age of England's splendour: the works of Sydney, Spenser, Shakspeare, Jonson, and Massinger would alone render the English language immortal; while Ascham, the tutor of lady Jane Grey and Elizabeth, sir Walter Raleigh the historian, Hooker the divine, and sir Edward Coke the legal antiquary, all contributed to the standard literature of Europe, besides a host of other names of less note who flourished at this time, as Southwell, Beaumont, Gascoigne, Marlowe, Fletcher, and Daniel.

CHAPTER XIX.

CONCLUDING REMARKS.

Causes of the Tudor power — Increased influence of the commons — Change of the aristocratic for the democratic element — Effect of this change — Subserviency of the lords — Increase of parliamentary privilege — Tudor policy — Improved condition of the agricultural labourer — Rise of pauperism, and first institution of poor-laws — Their influence on the moral and social condition of the people — Over-population — Revolutions in France in connection with the absence of a poor-law — Compulsory and voluntary principles.

THE century during which the house of Tudor occupied the throne of England was a period of great social change as well in politics as religion. The crown having overthrown the authority of the nobles and absorbed that of the church, was exceedingly arbitrary; but the power which was to control it was secretly growing up. This new power was the commons: those who in reality had withstood the prerogative of the Plantagenets were the ancient nobility, the feudal aristocracy, beneath whose protection the house of commons acted against the crown: under the Tudors the *people* set limits to the royal prerogative. Thus in the sixteenth century the aristocratic element of the fifteenth was exchanged for the democratic, which has ever since been gaining influence; tempered indeed by aristocratic tendencies, but essentially democratic.

The first consequence of this change was an excess of power on the part of the crown. The commons, weak and deserted by their natural leaders, were unable to exercise the same control over the sovereign as the barons had formerly done, and their dependence in a great measure on the crown still further crippled the energy of this infant assembly. The influence exercised over elections was beyond the control of the commons, and by adding new boroughs in the royal interest, as was frequently done by the last three Tudors, the crown was sure of a majority in that house. But the charge of pusillanimity does not lie so much against the commons as the lords. It was in the upper house that parliament manifested so humiliating a subserviency to the royal will. The newly created nobility, owing their titles and honours to the favour or munificence of the crown, dreaded to incur its displeasure, and seldom, if ever, ventured on an

independent course. "The terror," says lord Brougham,* "of the prince's vengeance confounded all opposition,—every man feared to be made the sacrifice, were he to move first; as no one in a mob will rush willingly on, till forced by those behind him, upon a single individual armed with a pistol, because each knows that though it can kill but one, he may be the one. Who could venture to protest for a moment against any of Henry VIII.'s worst schemes of profligacy and cruelty, when he felt that an attainder being suddenly propounded against himself, should he oppose the attainder pressed upon the legislature, he must be the sacrifice to the honest discharge of a public duty?"

So far as the commons were concerned, they had never been accustomed to interfere with criminal jurisdiction, which was therefore left to the upper house; but on those questions of supply and expenditure which formed their peculiar province, we trace no submissive spirit; on the contrary, the sole right of parliament to impose taxes or levy subsidies had never been rendered of universal application, till under Elizabeth it became practically as well as theoretically established.

With regard to parliamentary privilege, the movement had evidently been progressive. Whereas in the fifteenth century the commons had punished, with the sanction of the crown, those who had arrested members during the session, this in the sixteenth century became a common assertion of privilege, and both strangers and members were severely punished for contempts of the house and its jurisdiction, without the displeasure of the crown; thus showing that the brilliant prerogative of the Tudors was no regular organization of tyranny, but the result of great mental energy in the prince, at a time when the ordinary restraints on the royal power were in abeyance: the extension too of the elective franchise, and the greater number of representatives admitted into parliament, tended to enlarge the base of the constitution. Edward VI. added 17 new members, Mary 27, and Elizabeth no less than 62 borough members, who, however subservient to the crown, must eventually have enlarged the sphere of the representation, and consequently increased the power of the house of commons. The position of the electors had also improved; instead of being tenants of a superior lord, they had become either free-holders or copy-holders; and the whole nation had participated in this improvement, the condition of serfdom had ceased to exist, and the whole of the population was in the enjoyment of personal freedom. But with this advance a new danger had arisen, which the government found it requisite to guard against. The lord of the manor was no longer answerable

* Brougham, Essay on the Constitution, p. 74.

for the offences committed on his estates, nor the baron for the conduct and maintenance of his retainers. The labouring population were thrown on their own resources, and although the condition of free labour was certainly preferable to that of compulsory servitude, there were occasions when the poor found it exceedingly difficult to procure a livelihood. In the seasons of scarcity which occurred in the reigns of Edward VI. and Elizabeth, and during the distress caused by fear of the Spanish invasion, large numbers of men were thrown out of employment, and it being found impossible to repress depredations by proclamations of martial law, or compulsory regulation of the markets, Elizabeth at length procured the passing of a law requiring compulsory assessment to be made in each district for the support of the indigent poor,—the origin of our poor-law. It may seem strange to those only accustomed to modern statistics, that when England contained only about twice the present population of London, there should have been any deficiency in the supply of food or fear of over-population, but such was actually the case. Not to instance early times, numerous statutes were passed in Elizabeth's reign to prohibit the exportation of corn, and regular returns were instituted by the sheriffs of all the available produce in the hands of farmers, so that it might be distributed in such proportions as the exigencies of the kingdom required.

In the time of Edward VI. there had been great complaints of the conversion of arable land into pasture, on the appropriation of the church lands; and several statutes in the reign of Elizabeth seem to show that a similar process was still going on: but why a decline of tillage should have accompanied a fall in the labour-market does not so easily appear. It is, however, by no means certain that the produce of England had declined; the average yield of the same acreage in cultivation has greatly varied at different periods. In the Saxon times it is estimated that there was two-thirds as much land in England in cultivation as in the reign of George III., and within the last thirty years as great an increase has been obtained in the average yield as if the whole productive surface of England had been doubled.* Thus it does

* In the year 1837 the average yield of wheat in the large farms of England was only 21 bushels, and the highest average for any one county was no more than 26 bushels. The highest average since claimed for the whole of England is 30 bushels, or, according to Inglis, the produce of the seed is seldom less than twelve-fold, but if drilled, fourteen-fold, and if dibbled, sixteen-fold. The introduction of the rotation system of cropping has also obviated the necessity of letting the land lie fallow every fourth or fifth year, and in most instances the value of the green crops exceeds that of the farinaceous, so that there can be no exaggeration if we estimate the produce of England as doubled in the last thirty years.

not follow that the diminution in the proportion of arable land was necessarily accompanied by a corresponding decrease in the amount of produce, but the change from a period of great abundance, as that at the end of the fifteenth century, to one of comparative scarcity like the middle of the sixteenth, must necessarily have produced a considerable pressure in Europe, notwithstanding the growth of commerce and national industry.

The rise of the poor-law in England at such a time is certainly a significant fact; it shows the necessity of some resource on which the labouring class who depend on their exertions from day to day can fall back in case of extremity: the monasteries and religious fraternities in ancient times had supplied this want so far as it existed under the organization of vassalage; but in times when this source of relief had ceased to exist, a more comprehensive system was found requisite; and this excited the attention of the legislature to improve the condition of the poorer commons. It was evident to the farmer and the landholder, who alone constituted the county electors, that in proportion to the number of the poor in each parish, so was the chance of their being called upon to pay a rate for their relief; and hence the commons devised every expedient to free themselves from this burden: a law was passed prohibiting the erection of cottages without four acres of land attached to each, and restraining the increase of building in London and other large towns, so as to check, if possible, the increase of a dependent population. It was now to their interest to raise the condition of the working classes, as in the preceding century it had been to repress them. For in the reign of Richard III. we find the wealthy commons declaring that rather than see the serfs liberated "they would suffer death, all in one day;" and actually taking the most stringent measures to prevent their acquiring learning, or raising themselves in the social scale. But these selfish motives of the upper class were defeated by the crown; and thus it was mainly to the tyranny of the Tudors, and their determination to break the power of the nobles, that the English peasantry obtained their freedom, and were raised to the condition of independent labourers. We have already dwelt too long on this subject; but as the question of poor-laws is one of momentous interest in the civilization of the world, and as it is first brought before our notice in this period, we cannot conclude without making a few inquiries as to its beneficial or detrimental operation on the community at large, more particularly as it is the general opinion both of divines and political economists, that the operation of the poor-law, as established in England, is detrimental to the constitution of society, by supporting an idle and discontented population on the labours

of the industrious and honest; and further, that it is the very worst way in which relief can be bestowed, since it makes those who are compelled to pay, give their money with reluctance; and those who are to receive, instead of looking with gratitude on the hand from which their wants are supplied, regard the bounty as their right, and only grudge that it is so inadequate to their demands.

It has been observed as a singular fact by several of our political economists, that the origin of pauperism and the commencement of the large farm system were contemporaneous; but we are not justified in regarding these two conditions as cause and effect without more explicit knowledge than we at present possess,—certain it is that up to the time of Henry VIII., the support of the people mainly depended on the cultivation of the land, which was parcelled out into small holdings, either as copyhold or tenancy: but on the fall of the feudal aristocracy and the rise of the mercantile class in the reign of Elizabeth, the large farm system became almost universally adopted; and the serfs, who had lived on the estates of their lords, performing menial services for their lands, were now engaged as day-labourers by the sub-farmer, to whom the lord of the manor had let his lands at a fixed rental: this necessarily economized labour, but it is more than doubtful whether the increased skill and capital, brought to bear on the cultivation of the soil by the large farmer, ever counterbalanced the loss of care and self-interest displayed by the cottier on the cultivation of his little plot. “If,” says Mr. Thornton, * “the imputation of scanty produce is without foundation, what are we to say to the libel which charges the sin of idleness against the ‘petit culture?’” When we look at the reclaimed sand-hills of the Low Countries, or the ungrateful mountain soil of the Swiss cantons, so faithfully described by Mr. Inglis, we cannot for a moment doubt the comparative merits of the two systems. “Not a foot of waste land,” says he, “exists on the Engadine,—the lowest part of which is not much lower than the top of Snowdon. Wherever grass will grow, there it is,—wherever a rock will bear a blade, verdure is seen upon it,—wherever rye will succeed, there it is cultivated:” and why do all these things happen? why does the hand of the husbandman so assiduously woo the reluctant favours of Nature? because “the whole of the land belongs to the peasantry.” The same is observed by Mr. Howitt, of Germany,—Mr. Laing, of Norway,—and Sismondi, of the metayers of Lombardy. But there are evils as well as advantages attending the minute division of the soil: when the land, as in most of the continental countries, is par-

* Thornton, *Plea for Peasant Proprietors*.

tioned equally amongst the children, there is danger of the population being reduced to a state of comparative poverty by living on their continually diminishing fortunes, instead of being driven into the towns, and so accelerating the progress of industry and commerce. There is, however, little fear of this being experienced in a country like England, where there are so many inducements to exertion and activity, and so many outlets for superabundant population. The tendency at present certainly is to an abandonment of the system of large holdings, and a more equal distribution of property, and this after an experience of two centuries and a half, which is a significant fact in favour of the 'petit culture.' But if a self-dependent population having an interest in the soil is incapable, as shown by the late history of France, of enduring the vicissitudes of commerce and sustaining the effects of unfavourable seasons without disturbing the whole fabric of society,* how much more is an established mode of relief requisite in a country where the great mass of the people are dependent on daily wages for the necessaries of life! Individual charity, it is true, can effect much, but the main argument against such relief is, that charity is the most deficient at the very time it is the most required; in periods of commercial crisis and national calamity, those who are accustomed to contribute to charitable funds are least able to afford it, and frequently with difficulty maintain their own establishments: this is the cause of the preference we would give to the compulsory over the voluntary principle. The distribution of individual charity too, if not conducted with the utmost care and discrimination, is liable to produce more evil than good by encouraging mendicity and supporting imposture, besides lowering the moral character of the

* Sacred as is the right of property, surely it is not so sacred as the right of life. The mechanic and labourer in France will not endure to see their children and their wives perish with hunger by their sides; while food is to be obtained, they will not hesitate to procure it at any risk: necessity makes men desperate, and, without regard to ulterior consequences, the instinct of life is sufficient to make them sacrifice everything to the moment. If this be the case, then, there never will be a stable government in France till provision has been made for periods of extraordinary pressure. This condition of society was early perceived by the monarchs of the East, and they invariably kept the royal granaries supplied with corn to meet any emergency, and the same policy was imitated both by Greece and Rome: in England it is better provided for by a more systematic tax, and so long as there is a blade of corn or an acre of pasture, the right of every one to share it is acknowledged by law; the right of life is placed before the right of property, and therefore the sanctity of property is better guaranteed. Without wishing to lay too much stress upon the fact, it is certainly a remarkable coincidence that all the late revolutions in France have been preceded by periods of scarcity.

recipient. "Charity," says M. Cousin,* "has also its dangers: it tends to substitute its own action for that of its object; it in some degree effaces its personality and makes itself in some sort God's providence. In trying to be useful to others, we intrude upon them, and we risk infringing their rights. What delicacy is needed in the exercise of this perilous virtue! How are we to appreciate the degree of liberty which one of our fellow-creatures still enjoys with sufficient certainty to know to what point we may substitute ourselves for him in the government of his destiny? Charity is often the beginning and the excuse, and always the pretext, of great usurpation: before we have a right to give ourselves up to the emotions of charity, we must have strengthened ourselves in a long exercise of justice."

* Tracts of the Academy of Moral and Political Sciences, No. 1. Justice and Charity, by M. Cousin.



Costume of Elizabeth.—1582.

CHAPTER XX.

THE HOUSE OF STUART.

JAMES I. A. D. 1603—1625.

State of parties on the accession of James I.—Union of England and Scotland —Promises of reform—Decline of James's popularity—Assertions of prerogative — Danger of absolute power — Bye and Main Plots — Sir Walter Raleigh — Severity against puritans and catholics — Gunpowder plot — Attempt to effect a legislative union between the two kingdoms—Struggle between the king and parliament — Royal favourites — Robert Carr — Villiers, duke of Buckingham — Maladministration of Buckingham — Proposed alliance with Spain — Protest of the commons — The king's resentment — Impeachment of the lord chancellor Bacon, and of Cranborne, earl of Middlesex — Aid sent to the elector-palatine — Failure of the expedition — James's death — His character and foreign policy — Ignorance of the nature of the English constitution the cause of the misgovernment of the Stuart princes.

ON the decease of Elizabeth the nation had to decide between two rival families, descended, the one from Margaret, the other from Mary, the daughters of Henry VII.; the former married to James IV. of Scotland, the latter to Charles Brandon, duke of Suffolk. So far as the constitutional sanction went, the law was decidedly in favour of the younger or Suffolk branch. Besides the will of Henry VIII., which, on failure of his own issue, limited the succession to the descendants of his younger sister Mary, a special statute had been passed by the legislature, confirming this demise, and expressly excluding the line of Scotland on account of foreign birth and parentage; on the other hand, the nation entertained strong prepossessions in favour of hereditary right and primogeniture, which even the antipathies of national jealousy could not overcome; and those very arguments which originally had operated to the exclusion of the house of Stuart were now perceived to be so many reasons in its favour: any evil which might result from the fusion of the two nationalities into one kingdom was evidently not to be compared with the obvious advantages accruing to both nations by a union of interests under the same crown; and the certainty that at some future period this must be accomplished, perhaps under less advantageous circumstances, reconciled in both countries even the most adverse to a measure which they saw inevitable. In Scotland, the nobles,

induced by the prospect of honours and riches in the realm of England, which they looked on as the land of promise, lent their ready aid in furtherance of the king's views; the inferior people, who had a much less voice in the latter country than in England, offered but little opposition, hoping at least for a milder administration and greater security for the protestant faith. In England, the protestant portion of the community saw the advantages of a union of the whole island and the firm establishment of the reformed religion, while they abhorred the prospect of foreign patronage and subjection to an inferior court. The catholics were divided; the jesuitical party, as they were termed, having been in secret correspondence with the king of Spain for placing his daughter, the infanta, on the throne, while the moderate catholics, who adhered to the secular priests, were in favour of Arabella Stuart, daughter of the younger brother of James's father; but their influence was not sufficient materially to disturb the public opinion, and James was proclaimed with as little opposition as if he had been heir-apparent. The chief ministers of Elizabeth, sir Robert Cecil and lord Buckhurst, who, even before the death of their royal mistress, had been in correspondence with the Scottish court, wrote to James, informing him of the state of affairs, and offering him instructions how to proceed: by their advice he issued a proclamation, promising a mitigation of monopolies, purveyance, and protections in law; and when he came to London, he took up his residence at Theobalds, the seat of secretary Cecil, where he dispensed with liberal hand honours and titles to his subjects of both countries, and munificently rewarded those friends who had helped him in attaining the crown: sir Robert Cecil was successively made baron Essendon, viscount Cranborne, and earl of Salisbury; Buckhurst was created earl of Dorset; and the lord chancellor Egerton, baron of Ellesmere; while the number of inferior honours bestowed was so great, that in the short space of three months no less than 700 persons had received the honour of knighthood. But James's generosity was better shown in the restoration of those unfortunate noblemen who had suffered in the preceding reign for the cause of himself and his mother. The earl of Southampton was immediately released from his confinement in the Tower, and restored in blood and honours; Robert, son of the late earl of Essex, was permitted to succeed to the titles and estates of his father; Thomas Howard, the son, and Henry Howard, the brother, of the duke of Norfolk, who had been attainted in 1572, were made earls of Suffolk and Northampton, and though excluded from the title of Norfolk, were consoled by being admitted members of the council.

The high opinion which had been generally formed of James's

character by almost every faction in the state, soon disappeared after he crossed the borders. Although educated under the celebrated George Buchanan, and possessing more than ordinary shrewdness, he was altogether deficient in that dignity of manner which alone can inspire respect. Mean in his attire and pedantic in his language, he seemed more fitted for a pedagogue than a king—"the wisest fool in Christendom," as the duke of Sully pithily but truly observed, when delineating the character of the new monarch for the guidance of his royal master, Henry IV. of France, who had sent him to England to persuade James to join in a league against the house of Austria; but it was James's partiality towards his Scottish favourites, and his ostentatious display of the royal prerogative, which, more than any other circumstance, estranged from him the affections of the English people. Instead of contenting himself with the exercise of the royal prerogative which had been left to him greatly extended by the Tudors, James imprudently drew back the veil which had hitherto disguised so many usurpations, and made an ostentatious display of what his predecessors had been careful to conceal. Had he been a prince like Henry II. or Henry VII., the liberties of the subject would have been in danger: following a line of princes like the Tudors, inheriting an undisputed title, and holding two kingdoms by hereditary succession, his position was the most advantageous for the establishment of absolute power which had ever existed, but his parade of it warned men to be on their guard. "Those principles," says De Lolme, "hitherto only silently adopted in the cabinet and in the courts of justice, had maintained their ground in consequence of this very obscurity. Being now announced from the throne, and resounded from the pulpit, they spread a universal alarm. Commerce besides, with its attendant arts, and, above all, that of printing, diffused more salutary notions throughout all orders of the people. A new light began to rise upon the nation; and the spirit of opposition frequently displayed itself in this reign, to which the English monarchs had not for a long time past been accustomed." *

Before James had been one year in England, two conspiracies, called the Bye and Main Plots, were formed against him, in which lord Cobham, lord Grey of Wilton, sir Griffin Markham, George Brooke, and sir Walter Raleigh, were implicated. They were found guilty, and sentenced to death; but James, who was naturally averse from blood, only suffered two priests to be executed. Cobham, Grey, and Markham were led to the scaffold, and there pardoned. Of Raleigh's participation in these conspiracies there is much cause to doubt; he was, however,

* De Lolme, on the English Constitution, book i. ch. iii. p. 45.

found guilty by the jury, and Cobham gave his dying testimony against him: but the general integrity of his character, and the known enmity of Cecil, are both circumstances in his favour, and were not properly weighed at the time; indeed, the evidence produced on his trial rather tends to discredit the reality of the conspiracy altogether than to incriminate him. To use Raleigh's own words, "it was as unjust a condemnation, without proof and testimony, as ever man had." But the opposition of his enemies, and the king's own dislike to him for proposing new restrictions on the crown, caused him to be detained close prisoner in the Tower, where he wrote his great work, the 'History of the World.' After fifteen years thus passed in solitary confinement, he received the king's commission to undertake a voyage to the coast of South America, for the purpose of discovering rich mines of silver and gold, which were supposed to exist in Guiana. Having the misfortune to burn one of the Spanish settlements, and being unsuccessful in his discoveries, on his return to England he incurred the royal displeasure, and was executed on his former sentence, to gratify the vengeance of Spain, with which country James desired to be at peace, and was at the moment projecting a matrimonial alliance.

To return to our narrative: in the following year (1604) the king's first parliament met, and proposed to grant him an equivalent revenue in exchange for purveyance and the feudal incidents of wardship and livery; but James was displeased at this interference with his prerogative, and finding that the commons were not inclined to vote him a subsidy, he again prorogued the parliament, after they had passed some measures against catholics, which the king took pains to see executed, as they brought money into his exchequer. The puritans and catholics, who had been led to expect from James's fair promises complete toleration for their religions, were disgusted at these measures, and some of the more vehement Jesuits meditated schemes of revenge. One Robert Catesby, of Northampton, a gentleman of good property but of dissolute conduct, conceived the design of undermining the parliament-house, and thus destroying at once the king, the royal family, and the two houses of parliament, and, in the midst of the confusion, proclaiming the restoration of the Roman Catholic religion. To effect his object, he associated with himself, Wright, Winter, Percy, and Fawkes, four catholic gentlemen of family and fortune, who took the most solemn pledges of secrecy. The *Gunpowder Treason*, as it was called, was discovered by an accidental circumstance: having completed the mine, and placed thirty-six barrels of powder in the vaults beneath the houses of parliament, the conspirators considered their design accomplished, and one of them, whose name is unknown, recollecting that his

friend lord Mounteagle would in all probability be in attendance, wrote to him, desiring him to absent himself on that day. Suspicions naturally arose on this strange communication, and the letter was delivered to the king, who suggested that some evil design was contemplated against the whole house, and search being made, the project was discovered. Fawkes and several others were arrested and put to the torture, but they refused to implicate any one of importance in their designs, and eight persons only were executed—Fawkes, Digby, the two Winters, Grant, Bates, Rookwood, and Keyes—a degree of royal humanity so unusual at the period, that common report could only construe it into a tacit inclination on the king's part to favour the popish superstitions.

The king's attention was now turned towards effecting a legislative union between his two kingdoms, but it was in vain that he endeavoured to procure the sanction of the parliament to this important measure; the prejudices of the two nations were so strong that neither could be induced to make any concessions; and the utmost he obtained was a mitigation of the law of aliens, and a decision of the English judges declaring the *postnati*, or Scots born since the king's accession, to be natural subjects of the king of England.

The only other event of importance which characterized the early part of James's reign was the incessant struggle maintained between the king and parliament on the subject of supplies; the former endeavouring to obtain supplies without any concessions to the people in return; the latter determined to make their grants of subsidy conditional on the abolition of wardship and other feudal oppressions under which they still suffered. Salisbury, the lord treasurer, whose business it was in these difficult circumstances to supply the royal expenditure, appears to have sunk beneath the burden of his laborious duties, and died at Marlborough, May 24, 1612. "He was," says Bacon, "a more fit man to keep things from getting worse, but no very fit man to reduce things to be better."

After the death of Salisbury, the king's partiality for favourites, whom he selected purely from personal appearance and elegance of dress, and without regard to their mental endowments, brought on many evils: Robert Carr or Kerr, who had been introduced at court as equerry to lord Hay, won the king's favour, and was successively made viscount Rochester and earl of Somerset;—falling in love with the youthful bride of the young earl of Essex, he first seduced and then procured her to obtain a divorce from her husband on plea of incapacity. A marriage was then celebrated between her and Somerset in the

royal chapel, and the king received them into his especial favour. To gain his end, however, Somerset had resorted to the vilest means: finding that sir Thomas Overbury, his chief friend and adviser, would not be made an accomplice in the disgraceful transaction, he contrived to procure his arrest and committal to the Tower, where he supplied him with poisoned food. This crime had for some years escaped detection; but on the king taking George Villiers, son of sir George Villiers, of Brookesby in Leicestershire, into his favour, Somerset behaved with such insolence that the friends of the new favourite determined, if possible, to procure his overthrow. Inquiries brought to light abundant evidence, and the king commissioned chief-justice Coke to prepare a warrant for the arrest of Somerset and his countess. Their guilt was fully proved, but owing to the king's favour, the sentence of death was suspended, and they were permitted to retire into the country with a pension of £4000 a year. Villiers, who had been created duke of Buckingham, now enjoyed the monopoly of the king's favour; he was loaded with honours, the king even venturing to make him lord high admiral, a step which brought the government into great danger, for Buckingham possessed neither the talent nor application requisite in a minister; he was haughty, imprudent, and capricious, wholly given to pleasure, and headstrong in his passions. His love of adventure he carried to such an excess that his life resembles more a romance than sober history. At his instigation, the king sent the prince of Wales, afterwards Charles I., on a visit to Spain, to see the infanta, daughter of Philip IV., who had been recommended as a desirable match for the heir to the English throne. Charles and Buckingham set out from London on the 17th of February, 1623, and travelled through France in disguise: when they arrived at the court of Spain, they were received with every mark of distinction, and Charles had an opportunity of seeing the infanta, to whom he was introduced. But the mere idea of an alliance of the heir of the English throne with a catholic princess, and, above all, to a descendant of Philip II., roused the spirit of every Englishman. The house of commons expressed their unqualified disapproval, and used such boldness, that the king wrote to the speaker complaining of the audacity of the commons, who owed their privileges to the grace and permission of his ancestors and himself, in presuming to meddle with mysteries of state which were beyond their capacity, and belonged solely to the king himself. This produced a memorable protestation on the part of the commons, who declared that their privileges were inviolable and were derived from their ancestors—that it was the right of parliament to deliberate and take counsel on all matters affecting the

peace and safety of the king and kingdom, and that members ought not to be molested for anything done or said within the walls of parliament, except by authority of the house itself. The king was so exasperated with this open defiance of his power, that he tore the entry from the Journals with his own hand, and published his reasons for so doing, at the same time dissolving parliament, and ordering those members who had been foremost in the debate to be committed to prison; others whom he feared to arrest, he sent on a commission to Ireland, by way of punishment.

This, however, was not the first example which this parliament had manifested of an independent spirit. On the opening of the session in 1621, the commons had loudly exclaimed against monopolies, and sir Giles Mompesson and sir Francis Mitchell were deprived of the honour of knighthood, besides being imprisoned and fined; but a more striking example of parliamentary interference was the impeachment of the lord chancellor Bacon, or, as he was now called, viscount St. Alban's. This remarkable man had risen to the highest eminence of position and power by his own exertions; he was equally eminent as a philosopher and a lawyer, one of the brightest ornaments of learning and genius in those days, although his public character was tarnished by the neglect of those moral obligations which ought to have directed him in the discharge of his public duty. On inquiry being made in parliament, he was convicted of receiving bribes in his high office of chancellor, and though his friends pleaded the excuse of precedent, the commons answered "that no precedents could justify so pernicious a practice;" and in default of his appearing, he was condemned to imprisonment, and fined in the sum of £40,000, being further incapacitated from holding any office of dignity or emolument in the state, and interdicted the court and parliament.

In the next parliament, Cranborne, earl of Middlesex, the lord treasurer, was impeached. Buckingham, growing disgusted with the Spanish court, persuaded the king to consent to a war in behalf of the elector-palatine, the king's son-in-law, who had been expelled from his dominions by the emperor Ferdinand II., with the object of obtaining supplies from parliament. The commons readily voted the sum of £300,000 for the accomplishment of this object, which they had long desired; but the preparations were languidly conducted, and the first expedition failed, half the army having perished through famine and pestilence; and before a second armament could be equipped, the king died, on the 27th of March, 1625, leaving the war to be finished by his son Charles I., who succeeded to the throne, his elder brother Henry, prince of Wales, having died in 1612.

The pacific policy of James I., though it contributed in the main to the happiness and prosperity of his subjects, was unfavourable to the glory and honour of the nation. As a king, James wanted talents and energy of disposition: he was dastardly rather than tyrannical, giving way to passion and being governed by favourites. His conduct in the case of Arabella Stuart was cruel and unforgiving; his execution of Raleigh, to gratify a foreign power, pusillanimous and unjust; and his behaviour towards the Somersets inexcusable. The prevailing errors of his reign, however, were of such a nature as to evince them to have been more the result of ignorance than malevolence of purpose: the execution of a pickpocket without trial, on his first entrance into England, and several other acts of similar indiscretion, show how completely he misunderstood the spirit of the government he was called upon to administer. Accustomed to rule a nation in a rude state of society, and acquainted only with the theory of the feudal monarchies, restricted by a turbulent aristocracy, he had no clear perception of the democratical element which entered so largely into the English constitution. "It appears," says Hume, "from the speeches and proclamations of James I., and the whole train of that prince's actions, as well as his son's, that he regarded the English government as a simple monarchy, and never imagined that any considerable part of his subjects entertained a contrary idea. This opinion made those monarchs discover their pretensions, without preparing any force to support them, and even without reserve or disguise, which are always employed by those who enter upon any new project, or endeavour to innovate in any government. The flattery of courtiers further confirmed their prejudices, and, above all, that of the clergy, who, from several passages of Scripture, and those wrested too, had erected a regular and avowed system of arbitrary power." *

* Hume's Essay on the Protestant Succession.



The delivery of Charles I. to the Parliamentary Commissioners at Anderson's Place, Newcastle.

CHAPTER XXI.

CHARLES I. A. D. 1625—1649.

Reaction under the house of Stuart—Charles I. attempts to render the crown absolute—Discords with his first parliament—English ships employed against Rochelle—Failure of the expedition to Cadiz—Second parliament—The commons refuse unconditional supplies—The earl of Bristol appeals to the lords for his writ of summons—Articles of impeachment against Buckingham—Attempt to govern without parliaments—Illegal taxation—The commons declare all methods of raising money without consent of parliament to be violations of the constitution—Strength of parties—Petition of Rights—The king's insincerity—Assassination of Buckingham—Famous decision of the judges against the employment of torture in the case of Felton—Fourth parliament—Arbitrary encroachments of the crown—The Pilgrim Fathers—Hampden resists the payment of ship-money—Innovations in religion—The country divided into two parties—Attempt to establish episcopacy in Scotland—The Scots renew the Covenant and seize on all the strongholds in their kingdom—Parliament refuses supplies and is dissolved without passing a single Act—Charles assembles an army at York—The long parliament—Bill against illegal taxation—Triennial parliaments—Abolition of the Star Chamber and High Commission Courts—Impeachment of Strafford—Unconstitutional proceedings of parliament—Act against the dissolution of parliament without its own consent—Outrages in Ireland—Question of the militia—Expulsion of the Bishops from the upper house—Schism in the constitutional party—Attempt to seize the five members—Commencement of the Civil War—Violent measures of the commons—Result of the first campaign favourable to the royalists—Battles of Edgehill and Worcester—Opening of a rival parliament at Oxford—The Independents gain the ascendancy in the parliament at Westminster—Oliver Cromwell—Self-denying ordinance—Battle of Naseby—The king surrenders to the Scottish army at Newark—Dissensions between the parliament and the army—Negotiations for the king's release—Cromwell marches on London—The Scots demand the restoration of the king—Are defeated by Cromwell—The army becomes supreme—The Rump parliament—Rejection of the house of lords—Trial and execution of Charles I.—Causes which contributed to this event—Concluding remarks.

THE reaction which invariably follows a period of great political and mental restraint like that exercised by the Tudors had begun to be perceptible even under James I., in the assertion of privilege and the revival of the right of impeachment, which had been in abeyance since the Lancastrian princes filled the English throne; but almost immediately after the accession of Charles I., the storm, which had been only visible in the distance, began to mutter, and it was soon evident to observant men that the conflict which had begun between the crown and the country under a monarch, on the one hand, rash, presumptuous, and

insincere, and the whole nation on the other, led on by such men as Coke, Wentworth, and Eliot, must soon or late end in a popular victory. The causes which had induced the people to submit to the brilliant tyranny of the Tudors no longer existed: there was no disputed succession, no fear of foreign invasion, and no anxiety for the maintenance of the protestant religion.

At such a time it was that Charles I. undertook the insane design of rendering the crown absolute. Looking to the example of foreign princes, and emulating the conduct of the Tudors, he thought not only to sustain, but even to enlarge the high prerogative which his predecessors had usurped. The people, on the other hand, recovered from the disorders of civil war, and no longer threatened by foreign invasion, demanded the restoration of their ancient liberties, and declared the arbitrary acts of the crown, during the fifteenth and sixteenth centuries, to have been unjustifiable inroads upon the constitution. Amongst other causes of dispute, Charles I. was desirous of sending aid to his brother-in-law, the elector-palatine, whose cause the commons had so warmly espoused in the preceding reign: but they were not now so certain of the advisability of a war with Spain, more especially as they saw no prospect of its being well conducted; and feared besides that so soon as the king should have obtained a supply, he would dissolve the parliament. They therefore granted two subsidies, £140,000, for the immediate necessities of the king, and then proceeded to the investigation of abuses. Committees of religion and of grievances were formed, and inquiries instigated concerning the conduct of Buckingham in delivering up the English ships to be employed against Rochelle, which disgraceful transaction had roused the general indignation. The king, fearing for his minister, dissolved the parliament, and without money or resources entered on the war with Spain. By various arbitrary acts, he at length succeeded in equipping a fleet of 90 sail, and an army of 10,000 men; but when the English anchored before Cadiz, they found that the Spaniards had already gained intelligence of their designs, and had removed the shipping from that harbour into safer ports. Having made an unsuccessful attempt on the town, and finding his men ill-disposed to fight in a cause which they did not approve, sir Edward Cecil, who commanded the fleet, weighed anchor, and stood to the westward, hoping to intercept the Plate fleet which had not yet returned from the Indies; but it passed him in the night, and after an absence of three months he returned to Plymouth, having lost above 1000 of his men by famine and disease.

The failure of this expedition was exceedingly mortifying to

the king: had he succeeded in obtaining the plunder of Cadiz and the Plate fleet, as he had expected, he might, at least for a time, have set the commons at defiance, and governed without the necessity of calling a parliament; but now he had provoked a war without the sanction of the commons, and unaided by them, it was impossible for him to extricate himself. Having tried in vain to procure money by illegal means, he found himself reduced to the necessity of again assembling a parliament; but the abrupt manner in which the last session had been terminated, and the ill success of the present war, rendered the nation exceedingly sensitive of its liberties; and notwithstanding all the endeavours of the king to break the strength of the opposition, a parliament was returned, still more resolutely bent on the reformation of abuses than that which had preceded it. When the commons assembled, the king laid before them his wants and necessities, reminding them at the same time "that it would be worse for them than for him if any evil should happen to the kingdom." They however refused to make an unconditional grant, and were proceeding to the investigation of abuses, when a dispute arose in the upper house on the question of parliamentary privilege. The king knowing the opposition of the earl of Bristol to the measures of the present government, had withheld his summons; but the earl petitioned the lords that it might be issued, or cause shown, on which the king despatched the summons, but accompanied it with a letter commanding the earl not to avail himself of it. Bristol forwarded this letter to the parliament, and requested their advice on it, offering to appear and bring charges against his enemy, the duke of Buckingham. The king now directed the attorney-general to bring a criminal charge against the earl, so as to invalidate his testimony; but the peers decided that they would hear both sides, and that nothing which might be alleged against the earl should in any way impeach his testimony. When the prosecution was commenced, the attorney-general preferred various articles against the earl, principally relating to his diplomatic negotiations in Spain; but as most of these articles rested on the authority of the king himself, the peers objected to them, as tending to establish a precedent derogatory to the security of the subject. The earl then accused the duke of Buckingham of having enticed the king, when prince of Wales, into Spain, in order to induce him to change his religion,—of having sacrificed the interests of his country to his own ambition, and of having been the cause of the commencement of the present war.

The commons meanwhile proceeded to draw up the articles of impeachment against Buckingham, charging him with having embezzled the public money,—with having procured grants of crown

lands,—with having taken bribes for the perversion of justice, and having sold offices to the highest bidder,—with having given the king's ships to be employed against the protestant cause, and with having hastened the late king's death by potions and blisters. To this last charge, Charles objected that he himself was touched by it, and committed two members of the commons, Dudley Digges and sir John Eliot, to the Tower; however, they having explained their meaning, were released, and the house proceeded to hear Buckingham's defence. Before any resolution had been come to, the king dissolved the parliament, making answer to the request of the lords for a further delay, "No, not for one instant!"—"the result," says lord Brougham,* "inevitably being a new parliament, afterwards elected, with increased hostility towards the royal authority which had put an end to the old."

In this session the lords established two important rights; 1st, that none of their members could be arrested unless for treason, felony, or breach of the peace; and 2nd, that every peer having a seat in the upper house is entitled to claim his writ of summons, as proved in the case of the earl of Bristol.

Although the bill for the vote of subsidy had not passed, yet having been promised, the king pretended that he had a right to levy the sum specified by the commons, and issued warrants for its collection. The counties of Middlesex and Kent, which were first applied to, resisted, however, such interpretation of the intentions of parliament; and the king was obliged to content himself with a loan of £200,000, to be paid out of the next parliamentary grant: this supply was soon spent, and Charles was compelled again to resort to illegal means to supply the necessities of government: besides levying the duties of tonnage and poundage (a small tax on every ton of wine, and on every pound of commodities imported), which had not been voted by parliament, the king sent privy seals to all the merchants and gentlemen requiring them to lend sums in proportion to the rate at which they had been assessed on the last subsidy, and charged the towns on the sea-coast with the furnishing and maintenance of a fleet. But what made these illegal demands still more obnoxious to the people, was the tyrannical manner in which they were enforced. Those of the poorer commons who refused to lend what they were never likely to be repaid, were drafted into the army or navy; and those of higher rank were either imprisoned or fined, at the pleasure of the council. Amongst the latter class were sir Thomas Darnel, Everard Hampden, Walter Earl, and John Heveningham, who determined not to submit, and sued for their writ of *habeas corpus*, which the judges were compelled to

* Brougham, British Constitution, ch. vi. p. 83.

grant. When presented to the warden of the Fleet, to signify the cause of their detention, he made return that "they were detained according to the exigency of the commitment," * the particular offence not being specified in the council's warrants: the appellants objected to the sufficiency of the return, and consequently to the validity of the writ: the case was therefore brought before the court of King's Bench, and argued on both sides by the most eminent lawyers of the day; Noy, Selden, and Whitelock appeared for the prisoners, and the case of the crown was got up by Robert Heath, the attorney-general. The question to be decided was of the utmost importance to the nation, as it affected the personal liberty of every man in England. On the one part it was contended from a clause of Magna Charta, that "no freeman shall be taken or imprisoned, unless by lawful judgment of his peers or the law of the land;" that every subject was secured in the enjoyment of his personal freedom until convicted of an offence, and consequently was entitled to demand bail, except in criminal charges, when the nature of the offence precluded such an extension of the law. On the part of the crown it was answered, that although the ordinary jurisdiction of the king might be restrained, his inherent prerogative, which was an essential attribute of monarchy, could never be relinquished or curtailed, being derived from God himself. It was also argued from the legal maxim, "The king can do no wrong," that a sufficient cause must have existed, though it was not set forth. The court, "to their lasting disgrace," says lord Brougham, "decided both in favour of the sufficiency of the return and the validity of the writ;" thus abrogating by their decision every statute which had been made for the defence of the subject's liberty from the time of Magna Charta downwards, "since the insertion of four words in a warrant, *per speciale mandatum regis*, which might become matter of form in future would control the remedial efficacy of the law." †

To follow the history of the parliament, it will be requisite to bear in mind that the house of commons was at this time divided into three sections corresponding with the three large parties in the state; the conservatives or ministerialists, who maintained the high prerogative of the crown, and defended the measures of the existing government,—the puritans or religious party, who desired a reformation both in church and state, and were inclined to the presbyterian form of worship,—and the patriotic or constitutional party, who were more zealous for civil liberty than for innovation in religious ceremonies, and were not adverse to the

* Brougham, English Constitution, ch. vi. p. 84.

† Hallam, Constitutional History, i. p. 529.

cope, the surplice, and the wedding-ring. These latter numbered amongst their supporters the most eminent men in the state,—sir Edward Coke, sir John Eliot, sir Thomas Cotton, sir Robert Philips, Selden, Pym, Granville, Noy, and many others, whose conduct in this parliament and throughout the whole struggle exhibits a high degree of patriotism and moderation.

In a purely political point of view these last two factions may be considered as identical, since on most measures of national importance they coalesced and formed a large majority in the house, while the court party, being in the minority, rather endeavoured to palliate and excuse than to defend the abuses of the government. In this state of affairs Charles opened his third parliament, and told the commons plainly, that “if they did not vote the necessary supplies, he would be compelled to use those other means which God had placed in his hands;” adding, that they need not take this by way of reproof, for, said he, “I disdain to threaten any but my equals.” The commons heard this with all due reverence, but when the question of supply came to be debated, they refused to grant anything unconditionally, and passed a vote declaring it an infringement of the subject’s liberty for any man to be imprisoned without sufficient cause assigned, or to be refused to be admitted to bail, and further declaring that all methods of raising money without consent of parliament were illegal, it being contrary to the subjects’ liberties to billet soldiers on them, or to compel them to loans by imprisonment. The substance of this memorable vote was embodied in the form of a remonstrance called the *Petition of Rights*, and presented to the king for his assent, praying,—1, that no loan or tax might be levied but by consent of parliament;—2, that no man might be imprisoned but by legal process;—3, that soldiers might not be quartered on people against their wills;—4, that no commissions be granted for executing martial law. To which the king answered, “I will that right be done according to the laws and customs of the realm.” Dissatisfied with this ambiguous reply, the commons refused to proceed with the vote of subsidy, and threatened to bring an impeachment against Buckingham, whom they styled the ‘grievance of grievances.’ The king, to save his minister, went down to the house in person, ordered his former answer to be erased, and, amidst loud applause, registered his assent to the bill in the ordinary formula, “*Soit droit comme il est désiré.*” The commons then proceeded, as they had promised, with the vote of supply, and granted to the king five subsidies to be paid within the year; but they still persisted in desiring the dismissal of Buckingham from court, attributing to him all the misfortunes which had befallen the kingdom, and introduced a bill for the

resumption of tonnage and poundage, which had originally been a parliamentary grant. On this the king determined to dissolve the parliament as he had done its predecessors, and thus ended the session. As soon as the parliament was dissolved, the king manifested his insincerity by ordering the whole of the first impression of the Petition of Rights, which had been printed for circulation by order of parliament with the royal assent, to be cancelled, and another copy with his first answer to be circulated, with the intention, as Mr. Hume observes, of deceiving the people into the belief "that he had in nowise receded from his former claims and pretensions."

On the 8th of September, 1628, as the fleet was preparing to sail for the relief of Rochelle, which had revolted at the persuasion of England, and was now closely besieged by the king of France, the duke of Buckingham, who was to have taken the command, was stabbed in the heart whilst conversing with M. Soubize. The man who committed the deed was one John Felton, an Irishman, who had formerly served as lieutenant in the army, but being disgusted at the partiality shown to the duke's favourites, had retired from the service. When brought to trial he declared that he had no accomplices, and was not desirous of injuring the duke, but having been convinced by the late remonstrance of the parliament that he was the real cause of the sufferings of the people, and the promoter of the dissensions between the king and country, he had travelled seventy miles to perform the deed. The king suspecting that other men of more political importance were implicated in the design, desired to have Felton racked, in order to make him disclose his accomplices; but the judges, contrary to their usual practice at this time, decided in favour of right and justice, and informed the king that it was against the law of the land to use torture under any circumstances whatever. This was an important decision, as it abolished for ever that odious practice, which had frequently been resorted to even so late as the reigns of Elizabeth and James I. "For though," as Mr. Hallam says, "it be most certain that the law never recognized the use of torture," yet it had become of such frequent application as not to be rejected without a severe effort, and thus we cannot escape the conclusion "that amidst all the arbitrary measures of the time, a truer sense of the inviolability of the law had begun to prevail, and that the free constitution of England was working off the impurities with which violence had stained it." A short time after this, the cause of liberty gained another triumph in the case of Pine, when the judges asserted that no words could of themselves amount to treason within the statute of Edward III. After the death of

Buckingham, the king had no special favourite; Wentworth, whom he had seduced from the liberal side, was made viscount Wentworth and afterwards earl of Strafford, but he exercised no further command over the king than his political ability and his devotion to the crown entitled him to. If there was any one who encouraged the king in his unlawful and tyrannical acts, it was his queen Henrietta, a skilful and unprincipled woman, desirous of political command, and bigoted in religion. Through her influence the popish priests were permitted to walk about in public in their habits, and mass was regularly performed at court. The king indeed did not attend, but he favoured the introduction of ceremonies into the service of the church, and preferred such men as Montague Mainwaring, Sibthorpe, and Cousins, who were little better than papists, to ecclesiastical livings. These proceedings greatly displeased the people, and the popular discontent was roused still further by the severity with which loans and other arbitrary tallages were exacted. In this state of affairs Charles opened his fourth parliament, on the 20th of January, 1629, with a speech desiring the grant of tonnage and poundage for life, not *as of right*, but *de bene esse*, as it had formerly been granted to his ancestors. The commons, however, refused to make any concessions till their grievances had been redressed. The first subject of inquiry was the suppression of the first edition of the Petition of Rights, and on the king's printer being examined before the house, he confessed to having cancelled 1500 copies at the king's command: not wishing to press this matter any further out of respect to the crown, the commons proceeded to consider ecclesiastical abuses, and sent also for the officers of the customs, who had imprisoned a member of their house, Mr. Rolles, for refusing to pay the duties of tonnage and poundage. The king ordered them not to proceed, saying that what had been done by his officers had been done by his command. The commons, nevertheless, voted it an infringement of their privileges, and on the 2nd of March sir John Eliot moved a resolution to the effect that all innovations in religion, and all impositions without the consent of parliament, were illegal. The speaker, who had been directed by the king to adjourn the house, refused to put the question, saying that it had been otherwise commanded by the king. A general commotion ensued. The speaker got up to leave the chair, but was forcibly held down by two members, Hollis and Valentine: the question was then put and carried by acclamation. The king, who had hastened to the house of lords, being informed of what was passing in the other house, despatched a pursuivant to the serjeant with orders to bring away the mace, which, according to

ancient usage, would have put an end to all further debate; but he was stopped at the entrance of the lobby, the key taken from him, and the door locked. The usher of the black rod was then sent to summon the commons to appear at the bar of the upper house, that the king might dissolve the parliament; but he was refused admission. Charles next sent for the captain of the pensioners and ten guards to force the door.* Meantime the commons had passed a resolution declaring that the levying of the duties of tonnage and poundage was illegal; and that every one who should recommend their imposition, or even consent to pay them, was a traitor and an enemy to his country. When the captain of the guard arrived, he found the doors open and the house empty; the commons, as soon as they had passed the vote, adjourned till the 10th, in accordance with the king's command. On that memorable morning Charles went down to the house of lords and dissolved the parliament without summoning the commons to his presence. In his speech he declared that he had been driven to this necessity by the conduct of 'certain vipers' of the lower house, who, under the cloak of patriotism, endeavoured to overthrow both church and state; that he had now sufficiently shown his attachment to the constitution and his wish to govern by parliaments, but henceforth, unless he saw a marked improvement in the disposition of the commons, it would be a long time before he troubled those assemblies again. Nine of the popular members, who had taken an active part in the late proceedings, were then arrested and committed to the Tower, amongst whom were Eliot, Hollis, and Selden. Being summoned to appear before the council, they refused to answer, except before the house, for things said or done in parliament. Writs were then issued against them in the King's Bench, and "the judges, as usual, servilely and profligately acquiesced, affirming the jurisdiction and allowing a conviction—a judgment which was solemnly reversed by writ of error, as contrary to law, after the Restoration† (1667)." To avoid the occasion of new supplies, peace was concluded with France and Spain; but still money was required for the ordinary charges of government, and Charles found it indispensable to continue to levy the duties of tonnage and poundage, together with the tax of ship-money; an assessment which had originally only been levied on the maritime counties for the maintenance of the navy, but which was now extended to the inland districts, and made an ordinary source of revenue. The king likewise revived the old abuse of monopolies, granting to companies of mer-

* Dahlmann, *History of the English Revolution*, chap. ii. ann. 1629.

† Brougham, *British Constitution*, chap. vi. p. 84.

chants special privileges on payment of a certain sum, and an annual duty on the goods they sold or manufactured. The forest-laws were revived, and high fines imposed for various offences, without any judicial trial, by the sole authority of the court of Star Chamber, which now interfered in all matters of private right, and gave to the king's proclamations the force of law. "The security of freehold rights," says Mr. Hallam,* "had been the peculiar boast of the English law. The freeholder's house was his castle, which the law respected, and which the king dared not enter. Even the public good must give way to his obstinacy; nor had the legislature itself as yet compelled any man to part with his lands for a compensation which he was loath to accept. But now this reverence of the common law for the sacredness of real property was derided by those who revered nothing as sacred but the interests of the church and crown." These were the principal charges against the government of Charles, at least so far as relates to its inroads on the subjects' property: but what, if possible, was still more grievous to the people, was the censorship on the press, which was enforced with obstinate rigour,† and the adoption of Roman Catholic forms and ceremonies into the service of the Anglican church. It was at this time that many of the puritans and zealous protestants, disgusted at the innovations in the church, determined to quit their native land and seek an asylum in the uninhabited regions of America, where at least they hoped to enjoy freedom of conscience. Many attempts had previously been made to occupy these regions. Sir Walter Raleigh, in the reign of Elizabeth, had planted a colony in Virginia, and in the reign of James I. had received a patent for the settlement of Maryland; but all these attempts had proved ineffectual, owing to the dangers necessarily incident to a new settlement, and the disputes amongst the colonists themselves. The untiring constancy and energy of the Pilgrim Fathers at last overcame all difficulties, and in a short time a flourishing settlement was established on the shores of Massachusetts's Bay, which received the name of New England, whither, after the decision of the judges in the case of Hampden, men of a high grade and position in society determined to go, and leave a land convulsed by tyranny and superstition. Amongst those who prepared to take their departure were the lords Say and Brook, sir Arthur Haselrig, Pym, Hampden, and his kinsman Oliver Cromwell, who are

* Hallam, *Const. Hist.* i. p. 480, ed. 1827.

† Some idea may be formed of the nature of these restrictions from the fact that Fox's *Book of Martyrs*, Bishop Jewell's *Works*, and the celebrated *Practice of Piety*, could not obtain license to be reprinted.

said to have actually embarked on board a vessel in the Thames to convey them to America, but were detained by order of the privy-council, which now took upon itself to prohibit all, except such as conformed to the discipline of the church, from emigrating to any part of America. Not being able to escape from the tyranny which they hated, the friends of liberty now determined to exert their utmost endeavour to bring on a reformation at home, and an occasion was not long wanting: John Hampden, the veteran champion of liberty, who had sat in every parliament since 1620, being taxed in the sum of 20s. for ship-money, although his lands lay in the central county of Buckingham, thought this a favourable opportunity to test whether the laws were so entirely corrupted as to sanction the crown in the imposition of taxes without the consent of parliament, and he therefore refused to pay the sum demanded, and was committed to prison by order of the council; but, suing for his writ of *habeas corpus*, the case was brought to trial before the Exchequer Court, and, after a lengthened debate, the judges were divided, seven being for the crown and five for Hampden: judgment was finally given against him, and the king was thus enabled to enforce the payment of ship-money with greater strictness than had been done before; but this decision, more than any other circumstance, hastened the overthrow of Charles's absolute power, for, as lord Clarendon observes, it proved of more advantage to his enemies than to the king himself, by estranging those who had formerly been friendly to his cause, and teaching men to believe and affirm that the fountains of justice were corrupted, and that the law would now give its sanction to any measures however arbitrary or unconstitutional. "That respect," says Hallam,* "for courts of justice which the happy constitution of our judicial administration has in general kept inviolate was exchanged for distrust, contempt, and desire of vengeance. The people heard the speeches of some of the judges with more displeasure than even their final decision."

These causes of discontent were further augmented by the fervour of religious enthusiasm; the king, urged on by the queen and archbishop Laud, sanctioned many innovations in the church: the communion-table was railed off and designated an altar; the officiating minister was called a priest and wore the embroidered robes; the use of images, pictures, and crucifixes was contended for, and many of the clergymen advocated the doctrine of the real presence and prayers for the dead. In fact, so near an approximation was made to Rome, not only in the ceremonies but in the doctrines of the church, that the pope actually sent

* Hallam, Const. Hist. i. p 477.

the offer of a cardinal's hat to archbishop Laud ; which he, with some hesitation, declined, saying that under present circumstances he could not receive it. Fear for the protestant religion drove many churchmen into the communion of the puritans, and led the parliament into the most preposterous assertion of privilege, by declaring all alterations in the ceremonial of public worship a violation of their undoubted privileges. Religious fervour became thus united with constitutional opposition, and the contest ceased to be one of principle and became one of party : while the puritans and low-church upheld constitutional liberty and asserted parliamentary privilege even beyond the bounds of moderation, the catholics and high-church party defended the prerogative, and maintained the divine right of kings, with a constancy and fervour which to us appears incredible. It was thus that the government, by the tyranny and absurdity of its policy, kept at home those very men who were determined on its overthrow, and who now, having no other alternative, thought only of establishing a republic, which they hoped would free them from the tyranny under which they suffered. It was at this critical moment that Charles entered upon his ill-starred interference with the religion of Scotland : having visited that kingdom in 1633 for the first time since his accession, he was disgusted with the freedom of thought and expression in religious matters which he there encountered, and determined, if possible, to suppress entirely the presbyterian form of worship, which, he asserted, was destructive of all reverence in the minds of the people, as well towards the crown as the church. James, it will be recollected, had with great caution and difficulty established in that country a hierarchy after the pattern of the English church, but it had never been universally adopted, and in many respects was more lax in its ceremonial than its Anglican prototype. Charles determined to bring it up to its model, and even to render episcopacy more triumphant in Scotland than in England, by resting discipline upon a regular system of canons, and modelling the public worship by the forms of a liturgy. These endeavours were strongly opposed by the Scots, who considered episcopacy little better than popery, and when the fatal 23rd of July (1637) arrived, on which day the new service was to be adopted in all the churches, an expression of disgust ran through the whole kingdom. In Edinburgh and four other cathedrals alone, the clergy ventured to try the experiment, so fierce was the indignation of the people ; and even in the capital, notwithstanding the presence of the judges, the prelates and privy councillors, the dean and bishop who officiated narrowly escaped with their lives. The tumult spread throughout the whole country, and the heads of

the presbyterian party summoned the people to assemble at Edinburgh; they drew up a humble remonstrance against the prelates, the canons, and liturgy, but were ordered to disperse, and threatened with the penalties of treason. Most of the nobility and clergy now joined the popular movement, and at a second assembly of the nation, which was held on the 1st of March, 1638, the famous bond called the National Covenant, which had originally been designed for the defence of the Reformation by the Lords of the Congregation, was revived. By it the covenanters swore to renounce popery and all its superstitious practices, to resist innovations in religion, and to stand by each other with their lives and fortunes in the defence of their king, their religion, and their laws. The consequence of this association, which was eagerly subscribed by all orders and ranks, was exceedingly alarming; the petitioners no longer confined their demands to religious matters, but required an independent assembly and a parliament. The king, perceiving that he had gone too far, and fearing a war before he was prepared, offered to suspend the liturgy and the canons, on condition that the Scots would revoke their covenant, but they replied that they would as soon renounce their baptism. A general assembly was now held at Glasgow, under the direction of the marquis of Hamilton, the king's representative, who was instructed to sow dissensions among the principal leaders. Finding, however, that he was unable to manage the assembly, he endeavoured to dissolve it, under the plea of its being irregularly summoned; but the members refused to separate, and passed an ordinance declaring the liturgy and canons annulled, and episcopacy abolished. Thus fell the episcopal church of Scotland which had quietly subsisted in that kingdom for above thirty years. Affairs now assumed a most alarming aspect: the Scots seeing the preparations which were making for war, seized all the castles and strongholds in their kingdom, and sent to their countrymen who were serving in the armies of the king of Sweden to return, and undertake the defence of their country: the chief command was intrusted to Alexander Lesley, an officer of great experience in the wars of Germany. To resist these violent proceedings, the king assembled an army, but having neither resources nor credit of his own, was obliged again to appeal to the country. Most of those who had sat in the former parliaments were either dead or estranged from the liberal cause, but still this assembly met in the same spirit as those which had preceded it. Instead of supplies, the king heard only of the abuses of tonnage and poundage, the imposition of ship-money, and the violent proceedings of the court of Star Chamber: it was in vain that he persuaded the lords to exhort the commons to proceed at

once with the vote of supply ; they declared this interference with the business of their house a high breach of privilege, and demanded the reversal of the decision of the Exchequer in the case of Hampden. The king declared that he was not accountable for his actions to any but to God alone, and dissolved the parliament before a single act had been passed. This abrupt termination of the "Short Parliament" proved highly detrimental to the king's popularity, and it became the general theme that some great change was imminent. The Scots in the meantime having crossed the Tweed, commenced offensive operations, while the king was still unprepared, and advancing into England, possessed themselves of the two northern counties, which, being the coal district, enabled them to distress the city of London at pleasure. The king, who was lying at York with a considerable army, feared to venture an engagement, knowing the superior discipline of the enemy ; he therefore delayed the time by fruitless negotiations, and summoned a great council of the nobles to meet him at York, but the lords would not take upon themselves the responsibility of this crisis ; "for," as Dahlmann observes, "an interval of 400 years lay between the present time and the period when the upper house alone constituted the parliament."* They therefore recommended the king to assemble a parliament composed of both houses, and to submit the whole matter to them. The citizens of London also ventured to petition the king to the same effect ; and seeing nothing but evil before him, Charles was at length induced to listen to their persuasions, and summoned a parliament for the 3rd of November (1640). On that memorable day he went down to the house, not attended as usual by the paraphernalia of royalty, but by water, and opened his fifth and last parliament with a short address. In his speech to the commons he reminded them of his necessities, and the imminent danger of the kingdom, and besought them to supply him with money to reduce the rebels in the north, on which condition he promised to grant a redress of grievances. The commons, who had already entered into negotiations with the Scottish army, were offended at the term 'rebels' being applied to them, and determined to adhere to their ancient maxim, that redress of grievances must precede supply. They therefore formed themselves into a number of committees to investigate and report on the several sources of abuse, and to consider the petitions which poured in from all parts of the country. The duties of tonnage and poundage, and the obnoxious tax of ship-money, were amongst the first singled out. A bill was introduced which received the royal assent, declaring these impositions illegal, except as voted by act of parliament, and

* Dahlmann, *Hist. Eng. Revolution*, ch. ii. p. 160.

prohibiting the levying of customs on merchandise, "which," says Mr. Hallam, "has been the last statute found requisite to restrain the crown from arbitrary taxation."* Monopolies of every kind were abolished, and those who had been concerned in them, as well as in the levying of ship-money, were fined as delinquents, a charge which soon after became generally applied to all who were so unfortunate as to incur the displeasure of the parliament. A bill was now introduced limiting the duration of each parliament to three years, and enacting that a new one should be assembled before the expiration of a like term from the time of the dissolution of the last; it was also provided that if the king should neglect or refuse to issue the writs, the lords might do so; if they neglected, then the constituents to proceed without further delay to the election of new members. This bill, a most important concession, likewise received the royal assent. But the measure which wrought the most essential change in the character of our monarchy† was the abolition of the Star Chamber. This bill abrogates all exercise of jurisdiction both criminal and civil, by the privy-council, as well as by the Star Chamber, so that any person committed by the king's special command, or by order of council, may claim his writ of *habeas corpus*, and the court by which it is issued must do justice within three days by delivering, bailing, or remanding the party so committed. Thus fell the court of Star Chamber, and with it the whole irregular and arbitrary practice of government that had for several centuries so thwarted the operation and obscured the light of our free institutions. By a single clause in this famous act, which abolished for ever that great engine of arbitrary power, the courts of High Commission, of the North and of the Marches of Wales, were finally dissolved; and thus the constitution, freed from those abuses with which the Tudors had overlaid it, was rendered such as it was under the Plantagenets, or such nearly as it now exists. "Laws of great importance," says Mr. Hallam, "were doubtless enacted in subsequent times, particularly at the Revolution; but none of them perhaps were strictly necessary for the preservation of our civil and political privileges; and it is rather from 1641, than any other epoch, that we may date their full legal establishment."‡ Thus far the parliament had acted with wisdom and moderation, and we cannot but admire the steady patriotism, the love of liberty, and the disinterested integrity with which most of its members had acted; but even now some symptoms of that restless spirit and untimely zeal which finally brought the Long Parliament to so disgraceful a close were perceptible.

* Hallam, Const. Hist. i. p. 557.

† Ibid. p. 558.

‡ Ibid. p. 563.

The true policy of the crown at this time would have been to have called off the attention of men from religious controversies by entering on an honest and straightforward course of political amelioration. If such men as Essex, Hampden, and St. John had been admitted into the royal councils, and placed at the head of affairs, there can be no doubt but that Charles would have been supported not only by the house of lords but by a large majority in the nation, who were sincerely attached to the constitution, and entertained a deep reverence for the crown. Charles, however, adopted an exactly opposite course: instead of dismissing his ministers and consulting the lords, he wrote for Strafford to return from Ireland in order to assist him with his energetic counsels. This was the signal for a general outbreak of indignation; Strafford (Wentworth), who had commenced life as a supporter of the popular cause, had changed sides, and since become the chief friend and adviser of the king. The people therefore hated him as the 'great apostate,' and by a concurrence of ill fortune he was at once the odium of the three nations of the British empire. Under these circumstances the earl saw that his presence in London would be anything but advisable, and wrote, excusing himself to the king: "I cannot," said he, "be of any use to your majesty in parliament; on the contrary, my presence will add to your dangers, and deliver me up to my enemies; suffer me, therefore, to remain at a distance, either in Ireland or with the army, as you think fit; there I may still serve you, and be withdrawn from the ruin that threatens me:" but the king persevered in his requisition for Strafford's repair to London, assuring him that "as true as he was king of England, he would not suffer a hair of his head to be touched." Although at this very moment the house of commons had given a signal illustration of its power by revoking the decision of the Star Chamber in the case of Prynne, and fining each of the judges who had passed the sentence in the sum of £5000, so confident was the king in his royal prerogative of pardon, that he felt not the least anxiety for his favourite minister. No sooner, however, had the commons received intelligence of the earl's presence at court, than they determined his overthrow. On the 11th of November, (1640,) two days after his arrival in London, Pym rose and informed the house that he had something of importance to communicate, and desired that the strangers' gallery might be cleared. When the doors were closed, he said, "My friends, I am firmly persuaded that the king, if left to himself, would govern with wisdom and moderation, but there are those about him who pervert his excellent judgment, and render the remedial statutes of the parliament of no avail; one more especially de-

serves our severest censure, as being a man of great parts and contrivance, and of great industry to bring what he designs to pass;—a man who, in the memory of many here present, has sat in this house, an earnest vindicator of the laws, and a most zealous assertor and champion for the liberties of the people, but long since turned apostate from these good affections, and, according to the custom and nature of apostates, is become the greatest enemy of the liberties of his country, and the greatest promoter of tyranny that any age has produced.” He then named Thomas Wentworth, earl of Strafford, and passing in review the whole history of his administration both in the North and in Ireland, pointed out those instances in which he had abused his trust, adding, says Clarendon,* “some lighter passages of his vanity and amours, that they who were not inflamed with anger and detestation against him for the former, might have less esteem and reverence for his prudence and discretion.” The whole house then decided to carry the impeachment to the lords before the matter should get wind, and they immediately proceeded in a body to the bar of the upper house. When Strafford, who was with the king, received intimation of what was passing, he went down to the parliament, and entering the house of lords, was about to take his seat, when several voices called on him to retire: he hesitated, and then withdrew: a short time after he was sent for, and directed to kneel at the bar while the charges of the commons were read to him;—he was then committed to the usher of the black rod to be conveyed to the Tower, there to await his trial at the request of the commons of England. A similar fate awaited archbishop Laud, who was likewise committed on the motion of the commons. The famous trial of Strafford commenced on the 22nd of March, 1641, before the king and the whole house of lords, who sat as judges, in Westminster Hall, the bishops alone being absent, on the ground that they were prohibited from taking part in criminal trials by the ancient canons of the church. For seventeen days successively Strafford defended himself with great vigour and moderation, and used such eloquence that his judges were convinced of the impossibility of convicting him on the existing law. The great and fundamental charge, both against him and Laud, although based on an infinite number of articles, appears to have been the design of subverting the constitution and rendering the crown absolute. But even if these charges could have been substantiated, they could not be brought within the existing law of treasons, for the law of England knows nothing of treason against the country, only against the king, or resistance to his will, and hence Strafford

* Clarendon, Hist. of the Rebellion.

argued "that the doctrine of accumulative treason, set up by his accusers, was an absurdity; because nothing essential could ever be produced by the accumulation of non-essentials." Towards the conclusion he said, "My lords, these gentlemen at the bar say they speak for the commonwealth, and they believe so; yet, under favour, it is I who in this particular speak for the commonwealth. We live under the ægis of the laws; shall we be punished by laws which do not exist? Our forefathers, by express statutes, wisely threw obstacles in the way of the fearful accusation of high treason. Let not our ambition carry us to be more learned than they were in these killing and destructive arts. Great wisdom it will be in your lordships to cast into the fire those bloody and mysterious volumes of arbitrary and constructive treasons, and betake yourselves to the plain letter of the statute which tells you where the crime is, and points out the path by which you may avoid it. Let us not, to our own destruction, awake those sleeping lions, by calling up a mass of old records which have lain for so many ages forgotten and neglected." In conclusion, he said, "My lords, I have already detained you a great deal longer than I had intended; but I have been led into this error by the love I owe to those dear pledges which a saint in heaven hath left me; I should be loath,"—here he looked on his children and wept. "What I forfeit for myself," said he, "is nothing; but that my indiscretion should extend to my posterity, woundeth me to the very soul." This speech produced so great an effect on his hearers that both friends and enemies stood confounded by the eloquence of his defence; and Whitelock, who was opposed to him, thus describes the scene: "Certainly never man acted such a part on such a theatre with more wisdom, constancy, and eloquence, with greater reason, judgment, and temper, and with a better grace in all his words and gestures, than this great and excellent person did; and he moved the hearts of all his auditors, some few excepted, to remorse and pity:" but all was unavailing; the commons were determined on the ruin of their adversary; they knew the impetuous character of the earl, and that the struggle was of victory or death: they therefore determined, since the evidence could not be substantiated against him, to proceed by act of attainder, and, in violation of the ordinary course, instead of sending up the articles of impeachment to the upper house for their decision, the commons, by a supreme act of legislation, declared Strafford guilty of attempting to subvert the liberties of his country. This act was sent up to the lords for their approval, and on the decision of the judges that it was according to law, thirty-four peers having withdrawn, it was passed by a majority

of 24 to 19. The greatest excitement prevailed; a deputation of both houses waited on the king to obtain his signature, but he declined, and the populace thronged his palace, calling aloud for justice to be executed on the guilty. In this perplexity the king's ordinary advisers refused to give counsel or opinion, and the queen, terrified by the increasing tumults, besought the king to satisfy the demands of the people. At this critical moment, while Charles was hesitating between two opposite courses, whether to stand by the cause of justice and to brave the fury of an incensed nation, or to grant the warrant for the earl's execution, a letter arrived from Strafford, assuring the king of his devotion and his readiness to be sacrificed for the public good. "If my death," said he, "can be of advantage to the nation, my consent shall more acquit your majesty herein to God than all the world can do beside. To a willing man there can be no injury done." This determined Charles; he no longer hesitated to sign the warrant, and Strafford was executed on the 11th of May, 1641. "Strafford's tyrannical and unconstitutional proceedings," says lord Brougham, "furnished a sufficient ground for convicting him of high crimes and misdemeanours. But the pretext that it was necessary to take his life because there was no other way of securing the people against so powerful an adversary,* was exactly the reason which Henry VIII. would have given for destroying his victims; the manner of accomplishing his destruction was borrowed by the parliament from the example of that tyrant; the right which they had to destroy him, if grounded on their fears of his power and talents, was no better than Henry's right to put any formidable opponent to death; and the shameful submission of Charles, contrary to every principle of duty and conscience, was exactly a counterpart of the subserviency of the parliament to his despotic predecessor in passing the bills of attainder." Thus was brought out in this parliament the germ of that violence which the preceding parliaments had never contemplated. Indeed, up to this time most of the actions of the commons had been dictated solely by their care for the real interests of the kingdom, and a patriotic endeavour to fix the constitution on the broad principles of the subjects' liberty. The overgrown pretensions of the royal prerogative had with much wisdom and moderation been restrained, the arbitrary measures of the crown vigorously resisted, and such concessions obtained as placed the constitution nearly upon the same equal balance on which it stands at this day: so far they had acted the part of patriots and friends to their country; but from this period their

* "Mr. Hallam falls into the great error here pointed out, in his remarks upon Strafford's case." Brougham, *British Const.* chap. vi. p. 86.

designs are not reducible to the same laudable principle. "It may," says Mr. Hallam, "be said, I think with not greater severity than truth, that scarce two or three public acts of justice, humanity, or generosity, and very few of political wisdom or courage, are recorded of them from their quarrel with the king to their expulsion by Cromwell."*

Fearing that the army which the king was preparing in the North was designed to overawe the parliament, the commons passed an "Act against dissolution of Parliament without its own consent."—"Thus," says Mr. Hallam,† "in the space of three days from the first suggestion, an alteration was made in the frame of our polity, which rendered the house of commons equally independent of their sovereign and their constituents,"—a measure which, in fact, annihilated the English constitution, by destroying that equilibrium upon which its existence depended, and whose final result was the total overthrow of the monarchy.

At this moment tidings arrived of a sanguinary rebellion in Ireland, the causes of which had long been in operation. The Irish, who were dispossessed of their estates by Elizabeth and James, had fled to the continent, where they served in the armies of France and Spain; but a greater tolerance in religion had caused many to return, and some few had received the king's pardon. These men, inflamed by an hereditary hatred to the English name, and imbued with the doctrines of Romanism, stirred up the people against their "puritanical oppressors," and a secret conspiracy was formed with Moore, lord M^cGuire, and sir Phelim O'Neal at its head, for the extirpation of the protestant religion in Ireland. This fearful plot extended throughout the whole country, but was not discovered by the lords justices till the night preceding the massacre; and, although they took every precaution which the shortness of the time would allow, above 40,000 English and Scotch settlers are said to have perished in cold blood. The news of this barbarous outrage filled all England with indignation; and the king, who was secretly accused of fomenting the insurrection,‡ to show his attachment to the protestant faith, offered to raise an army of 10,000 men, and go in person against the rebels in Ireland, provided that parliament would agree to pay them. But the commons were far from accepting this proposition, knowing that

* Hallam, Const. Hist. i. ch. ix. † Hallam, Const. Hist. i. p. 575.

‡ Some colour was given to these suspicions by the discovery of a secret treaty between the earl of Glamorgan and the catholics, for whom he had engaged to procure a repeal of the penal laws and the free exercise of their religion. When brought to trial for his presumption in concluding such a treaty, he produced two commissions from the king, containing powers to treat with the Irish, which Charles had granted without the intervention of any responsible minister.

the king meant to grant the commissions to the officers, and apprehensive lest the troops, if raised in the usual manner by voluntary enlistment, would be too much at the king's devotion. They therefore accepted the offer of the Scots to send 10,000 men into Ireland, and introduced a bill for levying a like number by compulsory enrolment; but as it was asserted in the preamble that the king had no power to impress the subject, except in case of foreign invasion, the lords demurred to the novel doctrine, and the attorney-general craved to be heard on the king's part against it. The commons then ordered their committee "to meet no more about that business;" the levies were stopped; and it was declared "that the loss of Ireland must be imputed to the lords."

The commons, experiencing considerable opposition from the house of lords, determined to adopt strenuous measures to bring the upper house to a more perfect acquiescence, which the conduct of the bishops at this time gave them an opportunity of effecting. Some of the more violent prelates having been molested by the populace on their way to parliament, the whole bench presented a formal complaint, and protested against all proceedings in the upper house during their absence. This the commons voted to be a breach of privilege, framed an impeachment against the whole bench of bishops, as endeavouring to subvert the constitution of parliament, and committed thirteen of their body to the Tower.

The apprehension of changes in church and state, far beyond what had been dreamed of at the opening of parliament, led to a schism in the constitutional party,* while the king, by abandoning his former advisers, and selecting from the liberal party, Essex, Holland, Say, and St. John, as his ministers, regained a considerable degree of the public confidence; but at this very moment when matters had begun to amend, Charles, by one of those improvident acts which finally cost him his crown and his life, placed all reconciliation at an insuperable distance. Without consulting his ministers, the king sent a sergeant-at-arms to demand of the commons the surrender of five of the popular leaders, Pym, Hollis, Hampden, Haselrig, and Strode: the house refused to surrender them, and sent a message to the king, "that they should be forthcoming so soon as a legal charge should be preferred against them," and then adjourned. On the following day (January 4, 1642,) the house again met, and having warned the city to prepare for any emergency, gave permission to the five members to absent themselves. The king, having made all necessary preparations, went down to the house in person, attended by 300 guards and gentlemen-at-arms, whom he commanded to wait without, whilst he entered, and took his seat in the speaker's chair: he assured

* Hallam, Const. Hist. i. p. 582.

the commons that he had no intention of infringing their privileges, but that certain gross acts of treason had been committed, which he was sure they would all be thankful to him for discovering: he then called on Pym and Hollis by name, but as no one responded, he demanded of the speaker where they were: Lenthall fell on his knees, and said, "he was a servant to the house, and had neither eyes to see nor tongue to speak except what was commanded him." The king replied that "he thought his own eyes were as good as his," and looking around, added, "Since I see all the birds are flown, I do expect that you will send them to me as soon as they return; otherwise I shall know where to find them." What was the precise nature of the charges intended against these members is not certainly known: some suppose that their late proceedings in parliament were the grounds on which the king intended to proceed; it is however more probable that the cause was the part they had taken in inviting the Scots, in 1640, to cross the border, and which the king thought now he would be able to substantiate against them by the documents he had procured from Scotland; but whatever was the nature of their offence, the citizens of London were firmly convinced that their political conduct was the real ground of the king's displeasure, and they therefore exhibited the most ardent spirit in the cause. When Charles, on the following day, went down to the Guildhall and demanded of the common council the surrender of the five members who were protected within the liberties of the city, they refused to surrender them, and told the king that to-morrow a grand procession would be formed to bring them to Westminster. All the trained bands of the city were immediately put under arms, and a body of 4000 horsemen came up from Buckinghamshire for the defence of Hampden, their representative. Even the sailors volunteered their services, and the officers and shipmasters furnished their vessels with ordnance and munition to accompany the procession by water. To avoid this hateful sight, Charles quitted his palace of Whitehall the preceding evening, and went to Hampton Court, from whence he removed to Windsor Castle, never more to visit his city of London till he returned as a captive. "From this day," says lord Clarendon, "we may reasonably date the levying of war in England, whatever hath been since done being but the superstructure upon the foundation which was then laid." The king acknowledged his error by a humiliating message to the commons, but his submission was as ineffectual as his violence had been impolitic. Under pretence of accompanying the princess Mary, who had been espoused to the prince of Orange, the queen had already taken her departure for the continent, to procure money and ammunition for the royal

army which was forming at York; and the citizens of London had been drilling their trained bands, and keeping watch at the Tower gates to prevent the ingress of provisions or the removal of military stores: the greatest excitement prevailed; and when the adherents of Charles (who were nicknamed 'Cavaliers,') met with the parliamentarians (called 'Roundheads,' from their hair being closely cropped), in the streets, blows ensued.

The approach of a civil war was now, indeed, but too evident; and the signal for its commencement was shortly given by a bill of the commons, demanding that the militia should be placed under the command of lieutenants of their own choice, to be appointed by the king, and unable to be displaced for two years without the consent of the parliament. On this question the quarrel finally turned: the king, refusing to comply with their demands, the commons voted his advisers public enemies to the kingdom, and that such parts of the kingdom as had already put themselves in a posture of defence had done nothing but what was justifiable and approved of by both houses.

A committee of both houses waited on the king on the 1st of March (1642), to demand his final resolution: he answered them, that he had well considered the militia bill, and saw no reason to alter his mind; but that still he had no thoughts but of peace and justice to the people, which he should by all fair means seek to preserve and maintain, relying upon the goodness of God for the preservation of himself and his rights. Upon the report of the king's answer, the two houses resolved, that the kingdom should be forthwith put in a posture of defence; that all the lords-lieutenants in England should bring in their commissions, and cancel them as illegal; and that the admiral (the earl of Northumberland) should equip the royal navy, and be ready to put to sea in their service. All this was done before Charles had raised any troops, or taken any measures for his defence; "and thus," as an able historian* observes, "according to the judgment of many real friends of the constitution, he had succeeded in putting the house of commons in the wrong; law, justice, moderation, once ranged against him, had gone over to his banner;" and before the civil war commenced, the king's party had greatly increased. But what was to be done? The parliament could not desist from its demand, lest it should put arms into the hands of its enemies, expose itself to the vengeance of the king, and sacrifice the liberties which it had just recovered. Both parties consequently prepared for war; the commons published a declaration for putting in execution their ordinance concerning the militia, and the king ordered those of his party to leave the parliament.

* Hallam, Const. Hist. i. p. 613.

The next step of the parliament was to assume the whole legislative power, which was done by a new vote of the commons, making it breach of privilege to dispute the law of the land as declared by the lords and commons, not so much as leaving to the king a negative voice.

"The moment," says M. Guizot, "was come in which the most determined minds, incapable of distinguishing good and evil, danger and salvation, are but instruments in the hands of Providence, which alternately chastises kings by their people, and the people by their kings." The stubbornness of the king, in refusing to consent to any moderate measures of reform, was now alternated by the perverseness of parliament, which rejected the most liberal offers on Charles's part, and declared as their *ultimatum*, the total abolition of the ancient prerogatives of the crown; the concession of all authority in religious, civil, and military affairs; the nomination of new peers; the appointment and dismissal of the high officers of state; and the power of controlling the education and marriage of the king's children. To this the parliament added numerous infringements of the people's liberty; obnoxious persons were imprisoned for contempt of the house or breach of privilege; those who presented or proposed respectful petitions in behalf of the established constitution were fined; and by an unexampled stretch of power, the commons not only endeavoured to intimidate the minority of their own house, but interfered with the organic constitution of the lords. "These great abuses of power," says Hallam,* "becoming daily more frequent, as they became less excusable, would make a sober man hesitate to support them in a civil war, wherein their success must not only consummate the destruction of the crown, the church, and the peerage, but expose all who had dissented from their proceedings, as it ultimately happened, to an oppression, less severe perhaps, but far more sweeping, than that which had rendered the Star Chamber odious." Consequently, such men as Holland, Bedford, and Clare, with most of the other moderate members both of the upper and lower houses, deserted the parliament at Westminster, and joined the king at York, with whom they exerted their utmost interest to persuade him to act in conformity with the laws, that the wrong might rest with the parliament at Westminster; but the Cavaliers were urgent for the commencement of hostilities, assuring the king that every day strengthened the power of his enemies, who, led on by Hampden, Pym, St. John, Cromwell, and Vane, were proceeding to the most violent measures, and had already commenced the assembling of an army at Northampton, under the earl of Essex.

* Hallam, Const. Hist. i. p. 606.

On the 9th of July, sir Benjamin Rudyard said in the house of commons, "Mr. Speaker, I am deeply sensible of what the honour of parliament requires, but to form a right judgment of our present situation, we must go back to this time three years. Had we then been told that in three years the queen would fly from England to the Netherlands,—that the king would go to York, on the plea that his person was not safe in London,—that all Ireland would raise the standard of rebellion,—and church and state be a prey to the disorders under which they are now suffering, the bare thought would have filled our souls with horror. Had we been told, on the other hand, that in three years we should have a parliament,—that ship-money, monopolies, the high court of commission, the Star Chamber, the right of the bishops to a seat in parliament, would be abolished,—that the jurisdiction of the privy-council would be abridged,—that we should have triennial parliaments; what do I say? that we should have a parliament which no one but ourselves would have power to dissolve,—we should surely have looked upon all this as a pleasant dream. But now we possess all this, and yet do not enjoy it, we persist in requiring new securities. The actual possession of these advantages is the best security; they reciprocally guarantee each other. Let us beware of endangering what we already possess by seeking for a vain security; all human guarantees are uncertain and deceitful. Divine Providence will not be restricted; it will keep the results in its own power. Mr. Speaker, we have before us fire and desolation. When blood once mingles with blood, we rush into certain danger, for the sake of uncertain good. Bloodshed is a crime which cries for vengeance; it defiles a land. We will save our liberties and our property, but we will not risk the loss of our souls. I have discharged my conscience of the burden that oppressed it, and leave every one to follow the dictates of his own."

Rudyard spoke in vain: matters had become so complicated that it seemed impossible to follow his advice. The war was commenced by the king laying siege to Hull, but the balance of power was decidedly in favour of the parliament, while a great majority of the nobility, most of the landed gentry, with all the members of the church of England, and all the catholics in the kingdom, were devoted to the king's cause; the whole of the yeomanry and the trading classes were in the popular interest, more especially in the east and south, where so strong was the line of demarcation extending from Norfolk to Sussex inclusively, that during the whole continuance of the war, the king was never able to make any durable impression on the "Associated Counties," as these were called.

Space will not permit us to enter on the particulars of this long and calamitous war; suffice it to say, that at the commencement of the struggle, the king, aided by his nephew prince Rupert, son of the unfortunate Elector Frederic, gained some considerable advantages. The parliamentarians were defeated in the battles of Edgehill and Worcester, but gained that of Newbury; so that on the whole, the first campaign terminated in favour of the king. It was in this latter engagement that Charles lost one of his ablest counsellors and generals, Lucius Cary, viscount Falkland, a man of superior talents, and whose virtues were equal to his abilities. In the days of Charles's power he had offered a firm and steady resistance to the encroachment of the royal prerogative; but now he exhibited the same noble patriotism in support of those limited powers which yet remained to the king.

The second year of the civil war was near a close, when Charles, after long hesitation, resolved to meet the increasing pressure of the times by a bold measure. He declared the two houses at Westminster traitors, and summoned all those members who adhered to their allegiance to meet him in parliament at Oxford. Many obeyed the call, and on the opening of the session, (January 12, 1644,) 45 peers and 118 commoners were present, there being on the same day at Westminster, only 22 peers and 280 commoners assembled; but the royal parliament, as it was called, wanted confidence in itself, and still more the support of the nation, so that all attempts at negotiation were ineffectual; and in the following July, hostilities recommenced,—the parliament at Westminster having previously entered into the solemn league and covenant with the Scots, 20,000 of whom crossed the border to co-operate with the parliamentary forces. A new source of dissension was now arising amongst the commons themselves. The presbyterians, who formed a majority in the lower house, having weakened the principles of ecclesiastical polity by the overthrow of the established church and the entire abolition of episcopacy, were rivalled by a new sect called Independents, who, carrying their doctrines still further, maintained that the Holy Spirit was given to every believer, and consequently that there was no need either of creeds or systems of belief.* These notions of equality, when applied to civil government, at once struck at the root of all orders and distinctions of men. Many spoke of the

* It is still the boast of the Independents that they first brought forward the great principles of religious toleration, which had been confined to a philosophical few; but if the Independent sectaries were its earliest advocates, it was the Anglican writers, the latitudinarian school of Chillingworth, Hales, Taylor, Locke, and Hoadley, that rendered it victorious.—Hallam, Const. Hist.

Christian equality of rights, while others openly broached the doctrine of general equality of property. Of this sect, Oliver Cromwell, who now assumes so important a figure in history, was one of the chief leaders. He was a person of great natural ability and infinite application, capable of undergoing the greatest fatigue both of body and mind, and possessing strong discrimination of character, which enabled him to convert the follies and weaknesses of mankind to his own ends. In religion he was both an enthusiast and dissembler,—in politics, both a leveller and an autocrat,—whilst in ordinary matters his conduct was guided by circumspection, subtlety, and caution. With these qualities it is no wonder that Oliver Cromwell should have acquired the command of the parliament, the army, and the nation. Even while sir Thomas Fairfax (a man of very different disposition) held the nominal command of the parliamentary forces, the real power of the army lay with Cromwell and his cousin Ireton, who directed the whole course of the war. Greater energy and unity of action was now introduced into the conduct of the war, and the parliament finding the ascendancy which the military leaders were acquiring, passed a resolution that in future no member of either house should hold a civil or military appointment. This was called the Self-denying Ordinance; and in conformity with it lieutenant-general Cromwell gave up his command, and was about to retire from the army, when Fairfax, knowing the importance of the religious zeal which he inspired into the minds of his troops, declared that he could not do without his services; and the parliament, by a special grace, gave him permission to continue with the army for three months. The royal cause meantime had been gaining ground in the north of Scotland, under the earl of Montrose; but in England matters wore a different aspect: several battles had been fought in which the royalists had invariably been worsted; and at Naseby, where the king was himself present, they sustained a signal defeat.

Among the booty was discovered his majesty's private cabinet of papers and letters. These were the means of sealing his doom; for the parliament, by their publication, afforded an opportunity to all to convince themselves that the king had applied to foreign princes for military aid against his subjects, notwithstanding his repeated assurances to the contrary; that he had pronounced a formal protest against the very name *parliament*, (which he had subsequently given to both houses in the late negotiations,) and even caused this protest to be entered on the journals of the Council of State.* These letters were printed by order of the parliament, under the title of 'The King's Cabinet Opened,' whereby the king's reputation sustained irreparable injury.

* Dahlmann, History of the English Revolution, ch. ii. p. 188.

After the battle of Naseby, Charles's affairs became desperate, on the one side being surrounded by the Scottish army, and on the other by the English. In this critical position of affairs, he at one time thought of escaping to Scotland, at another to Ireland, and finally set out from Oxford in disguise towards the city of London, with the hopes of engaging the sympathy of the citizens in his cause. But new misgivings seized his mind; and finally, perceiving matters to be desperate, he threw himself into the arms of the Scots, who were encamped at Newark.

News of the king's being in the camp was immediately despatched to both parliaments, and the Scots, who had meantime retired to Newcastle, agreed to deliver up Charles to the English parliament on condition of their arrears being paid. Even at this stage the parliament offered to acknowledge Charles as king, and to restore him to the dignities of the crown, on condition that he should accept the covenant, abolish episcopacy, and resign the military and executive power for the term of twenty years; but this he declined to do, saying that he would settle everything in person with them at Westminster.

The civil war being now ended, both the parliament and the people saw the danger to be apprehended from the presence of a large military force, and endeavoured to disband the army, but both officers and men having become accustomed to the camp, felt a disrelish for the quiet concerns of domestic life, and refused to separate until they should receive payment of their arrears, and a promise not to be enlisted for the service in Ireland, where matters had assumed a serious aspect. The parliament, alarmed at these symptoms of disaffection, despatched several of their most trusted members, with Cromwell, Ireton, and Fleetwood, to persuade the army to submit; but the council of officers replied, that it was not the army but the house of commons which required to be reformed. On this the parliament recommenced negotiations with the king for his release; but Cromwell, seeing the danger to which the popular leaders would be exposed if this reconciliation were effected, without waiting for orders from his commander-in-chief Fairfax (June 3), despatched a cornet with a body of 500 horse to seize the king at Holmby castle, and bring him to the army. The news of this violent proceeding threw the house into the utmost consternation, which was redoubled on the approach of Cromwell (now chosen general) to within a few miles of the city of London. The intention of the military commanders was no longer doubtful; eleven of the leading presbyterian members, amongst whom was Hollis, were accused of high treason, and ordered to quit the house. After an ineffectual assertion of privilege, the commons submitted, and expelled

the obnoxious members (June 20), and with this untoward event "may be said to have fallen the legislative power and civil government of England, which from this hour to that of the Restoration had never more than a momentary and precarious gleam of existence, perpetually interrupted by the sword." Cromwell, who had acted so decided a part, had nothing to hope from the parliament, and he therefore determined by a bold measure to secure, if possible, his own safety, and at the same time to settle the dissensions of the kingdom. He offered to the king to restore him to the throne, and to see the army disbanded, if he would consent to certain modifications of his power for ten years, and grant a complete amnesty to all concerned: at first these offers, which were the most equitable yet proposed, were gladly entertained by Charles, and he promised to bestow on Cromwell an earldom with the order of the garter, leaving to him the command of the army; but before any definite conclusion had been arrived at, news came from London that the citizens had been arming in the cause of Charles, and had compelled the parliament to promise his restoration. Elated by this change in his favour, and thinking that the commons (now cleared of his enemies the independents, who had been compelled to take shelter with the army,) would do everything favourable to his wishes, Charles refused all overtures, saying "that the army could not exist without him." Cromwell seeing the course matters were likely to take, marched a second time on London, and on his approach the citizens laid down their arms and admitted him within the gates. The lord mayor and several of the aldermen were committed to the Tower, the expelled members restored, and all the acts which had been passed during their absence declared illegal. Thus, not only the king, but the parliament and the whole power of the state, were in the hands of the army. A semblance of legal forms was however still preserved, and the parliament continued to treat with Charles, who had effected his escape to the Isle of Wight, and was there detained in Carisbrooke castle. On the 3rd of January, 1648, Cromwell took his place in the house, and on the question being put whether the parliament should still receive communications from the king, he rose and said, "Mr. Speaker, the king is a man of great parts and great understanding, but so great a dissembler and so false a man that he is not to be trusted: while he professes with all solemnity that he refers himself wholly to the parliament, and depends wholly on their wisdom and counsel for the settlement and composing of the distraction of the kingdom, he negotiates at the same time with the Scottish commissioners how he may embroil the nation in a new war, and destroy the parliament. The hour is come for the parliament to save and govern the kingdom." The truth of these remarks was

felt by every one present, and notwithstanding the reluctance of many of the members to abandon the cause of royalty, the question before the house was decided in the negative. The nation generally, however, did not approve of these violent measures, and in Scotland the sensation was so strong that a powerful party was formed in favour of the king, and an army of 14,000 men crossed the border with the intention of reinstating Charles on the throne; but as soon as Cromwell heard of their entry into England, without waiting instructions he marched against them with only 6,000 men, and defeated them and their English allies in three successive engagements. The news of these victories filled the presbyterians at Westminster with dismay, and they hastened to renew the negotiations with Charles, which, from the concessions he now offered to make, had every prospect of being brought to a satisfactory conclusion. When Cromwell, returning from Scotland, heard of these proceedings, he marched on London a third time, surrounded the house, and excluded all but about fifty fanatical sectaries, afterwards named the Rump, who, sure and unanimous in their intended measures, proceeded at once to rescind the vote of the 5th of December, making the king's concessions sufficient grounds for settling the peace of the kingdom. They next declared it treason in a king to levy war against his parliament, and appointed a high court of justice, consisting of 150 members, selected from amongst the peers, judges, baronets, and members of the lower house, for the trial of Charles's treason. This vote being sent up to the upper house, which now consisted of only twelve peers, it was rejected without one dissentient voice; but this mockery of a parliament was not thus to be stopped in its career. The next vote was that the commons of England have the supreme authority of the nation independent of either king or peers; and thus the whole fabric of the constitution was overturned, notwithstanding that the sentiment of loyalty was still vigorous in the minds of the English people. "Wise men," says Mr. Hallam, "might easily perceive that the regal power was only suspended through the force of circumstances, not abrogated by any real change in public opinion."* On the 20th of January, (1649,) Charles was brought to trial before this mock tribunal, and during the whole course of the proceedings he acted with grace and dignity. On being required to reply to the accusations which were brought against him, he declined, lest by so doing he should ratify the authority of this illegal tribunal, but offered to vindicate his conduct to his subjects and before all Europe, if a fair trial should be granted him. Several witnesses were called, who swore in the presence of the king that they had seen him bearing arms against the parliament. His sen-

* Hallam, Const. Hist. ii. p. 87.

tence was then read, condemning him as a traitor and betrayer of his country.

The grief and indignation of the nation was intense, and several of the foreign courts even threatened war to avenge the dignity of insulted majesty ; but all was of no avail, the country and government were both in the power of the army, and on the 30th of January, 1649, within three days after the sentence was passed, he was executed at Whitehall. When he had ascended the scaffold, Charles calmly addressed those who stood near: he said that he was happy in being called upon to suffer in defence of the laws and liberties of England ; that there was only one thing which pressed heavily upon his soul, and this was the death of Strafford, for which he acknowledged he suffered justly. He then explained how the liberty of the subject did not so much consist in having a part in the government, as in the enjoyment of good laws, under which the life and property of each individual might be the most secure. "Sirs," said he, "it was for this defence of the laws that I am now come here. If I would have yielded to an arbitrary way for to have all laws changed according to the power of the sword, I needed not to have come here, and therefore I tell you that 'I am the martyr of the people.'" In this Charles spoke correctly ; justice and law had fled the land, and we behold this act of supreme vengeance as but the prelude to a state of tyranny and oppression, "compared to which all the illegal practices of former kings, all that had cost Charles his life and crown, appeared but as dust in the balance."*

After having finished his speech, Charles laid his head on the block, and stretching out his hands for the signal, one blow of the axe terminated his existence. A deep murmur arose from the assembled multitude, and many men ran forward to dip their handkerchiefs in his blood as in that of a martyr, but two troops of cavalry which had been stationed below the scaffold were then put in motion to clear the streets. Thus perished Charles Stuart by a sentence unexampled in the annals of history. Had he lived at a different age of the world, or succeeded to the throne under different circumstances, he might have reigned with popularity, and even admiration. He was learned, generous, and brave, but it was his misfortune to succeed at a time when the exalted notions of prerogative were doomed to give way,—when the nation was gradually awaking from the lethargy of centuries, and a more extended idea of the subject's liberty was gaining ground. "Men," says M. Cousin,† "only desire as much liberty as they can con-

* Hallam, Const. Hist. ii. ch. x.

† Tracts of the Academy of Moral and Political Sciences, No. 1, Justice and Charity, by M. Cousin.

ceive, and for many ages are content to live under the form of liberty which suffices to them ;” but intelligence and learning had, during the last century, been spreading throughout Europe, and more especially in England, which in point of science and genius at this time was surpassed by no other country. Those speculative reasonings on government, politics, religion, and laws, which the revival of classic learning had induced, and which were in the preceding century the sole property of the most exalted minds, now became the common stock of intelligence, and influenced the tone of public opinion. Men were no longer content with the amount of liberty their ancestors possessed, and aimed at a state of greater perfection. Charles unfortunately had no true perception of the position in which he was placed, and wanted that political prudence which should have taught him to yield to the necessity of the times, and rather to abandon a little of that power which he conceived to be his right, than by obstinately maintaining it to its utmost extent, to risk its entire deprivation. Surrounded by difficulties which he could neither foresee nor prevent, he was frequently driven to make concessions, which he considered inconsistent with his duty as an absolute prince and vicegerent of the Deity : since therefore he conceived he could not lawfully grant them, he considered that he was entitled to revoke them without any breach of honour or integrity, and hence originated that fatal misconception of the validity of oaths when extorted by compulsion, which finally proved his ruin.



Costume of Charles I.—1644.

THE CONSTITUTIONAL HISTORY OF ENGLAND.

CHAPTER XXII.

THE COMMONWEALTH. A.D. 1649—1653.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XIV., 1643-1715. *Germany*—FERDINAND III., 1637-1658.
Spain—PHILIP IV., 1621-1665. *Pope*—INNOCENT X., 1644-1655.

1649—State of parties on the death of Charles I.—Abolition of Monarchy and the first days of the Commonwealth—Council of State—Refusal of the judges to take the oath of fidelity—Divisions amongst the Republican party—Vigorous government of the Commonwealth—Amendments in the law—Confiscation of the Royalists' estates—Tolerant spirit of the Independents—High Court of Justice—Trial of the Royalist Lords—Restrictions on the press—'Eikon Basilikè'—Opposition of Lilburne—False views entertained of the principles and character of the Levellers—Their influence in the army—Suspicion of the ambitious designs of Cromwell—Reduction of Ireland—Coalition of the Levellers and Royalists—Trial of Lilburne—Extension of the Statute of Treasons.

1650—Charles II. in Scotland—Scruples of Fairfax—Cromwell appointed commander-in-chief—Battle of Dunbar.

1651—March of the Scots to Worcester—Flight of Charles II.—Energy of the Republican government—Barbarous condition of Ireland—Lands distributed amongst the English soldiers—Aspect of the foreign governments—Their antipathy to the new Republic overcome by political considerations—Foreign policy of the Commonwealth—Suppression of the Royalist Fleets—Vigorous measures of the Commonwealth—Its commercial policy—Projected union of England and Holland—Jealousy of the two Republics—New Navigation Act.

1652—First Dutch war—Losses sustained by the Dutch—Effect of the foreign successes on the home government—Order to disband a part of the army—Remonstrance presented by the council of officers—Rising power of Cromwell.

1653—Question of dissolution—Expulsion of the Rump parliament—Nature and uses of government.

1649.]—In the previous portion of this history we have traced the progress of the English Monarchy to that period when the

great social Revolution, which had long been threatening, burst forth as a torrent, overthrew the ancient monarchy, and caused the violent death of Charles I., who, although he governed his people badly and unjustly, was intellectually and morally a prince worthy of respect, and far superior to many of his predecessors. We have now to follow the revolutionary assembly in its vain endeavours to found a Republic, and to trace the steps by which the nation arrived at unprecedented greatness under the government of a revolutionary general, whose bold and prudent genius commands our admiration, while our moral sense revolts from the means by which he triumphed over the liberties of his native land. "The men," says M. Guizot,* "whom God chooses as the instruments of his great designs, are full of contradiction and of mystery; in them are mingled and combined, in undiscoverable proportions, capabilities and failings, virtues and vices, enlightenment and error, grandeur and weakness; and after having filled the age in which they lived with the splendour of their actions and the magnitude of their destiny, they remain personally obscure in the midst of their glory, alternately cursed and worshipped by the world which does not know them."

The Long Parliament, which on its first opening in 1640 had consisted of 506 members, had gradually dwindled down, till at length in the spring of 1649, a month after the king's execution, it scarcely numbered one-fifth of its original complement; but even in this weak and degenerate state, the House of Commons, relying on its own intrinsic power which it derived from the representative principle, set to work with vigour in the organization of a Republican government. On the 7th of February, 1649, a day ever memorable in the annals of history as the commencement of the Commonwealth of England, the prototype of all subsequent revolutions, the abolition of monarchy was declared complete: it was made treason to proclaim the Prince of Wales or any other to be King of England or Ireland; the office of king was abolished as "unnecessary, burdensome and dangerous," the house of peers as "useless and dangerous," so that the supreme power remained vested in the House of Commons, which, now that the moderate party were excluded, was reduced to the condition of a victorious coterie. This assembly, appropriately nicknamed the Rump Parliament, no longer represented either the opinions or the wishes of the great majority of the people.† But the expression of the public voice was re-

* English Government and Constitution, p. 70.

† When the House ordained the official publication of the Acts abolishing kingly power and taking away the House of Peers, the Lord Mayor, Rey-

strained by the presence of the army, which consisted of 70,000 veteran troops, entirely devoted to the interests of the House and of their leaders, who had not as yet disclosed their ulterior aims. It was at this time that the Commons passed a vote, allowing the Peers to retain their titles, but forfeiting their privileges, in return for which they were rendered eligible to be elected into the House of Commons, of which Pembroke, Salisbury, and Howard of Escrick took advantage. The old Great Seal of England was superseded by a new one representing the Commons, and intrusted to three commissioners, Whitelock, Lisle, and Serjeant Keble. The functions of the executive were supplied by a Council of State, consisting of 41 members, and appointed to hold office for one year.* To this body all the practical functions of the Government were delegated: it was invested with authority to dispose of the national resources,—to direct the application of the revenues,—to command the troops,—to maintain order and repress rebellion,—to superintend the administration of justice,—to conduct the relations of the state with foreign powers,—to administer the colonies,—and to watch over the interests of commerce; being, in fact, endowed with almost absolute power, but under the control and in obedience to the instructions of the Commons, the sole depositary of the national sovereignty.

An oath to be true to the Commonwealth was directed to be taken by all persons in office, and the twelve superior judges were first called upon to subscribe it, the day for the opening of the quarter sessions being at hand; but although ten of their number had been appointed by the Parliament itself since the outbreak of the civil war, yet on the 8th of February, when they were required to take the oath of fidelity, six unequivocally refused,† and the other six only consented to continue the discharge of their functions on condition that by a formal declaration of the House the ancient laws of the country should be maintained,

noldson, positively refused to proclaim them in the City, and, when summoned to the Bar of the House for contumacy, alleged the scruples of his conscience in justification of his conduct, on which he was fined in the sum of £2,000, committed to prison for two months, and deprived of his office of Lord Mayor.

* Amongst their number were five peers, Denbigh, Pembroke, Mulgrave, Salisbury, and Grey of Werke; five officers, Fairfax, Cromwell, Skipton, Ludlow, and Hutchinson; five lawyers, Bradshaw, Rolles, St. John. Whitelock, and Wilde, besides Haselrigge, Vane, Pennington, and others of less note, principally members of the house. Bradshaw was appointed president, and John Milton Secretary of Foreign Tongues.

† The six judges who tendered their resignation were not replaced until the following summer.—Commons' Journal, vi. pp. 134-136.

and that the judges should continue to make them the rule of their decisions, "Forgetting," says Lord Brougham,* "that the kingly power runs through all the jurisprudence of England, from the foundation upwards."

The next difficulty with which the House had to contend was the refusal of the Council of State to sign the declaration approving the trial of the king, the overthrow of kingship, and the abolition of the House of Lords. Cromwell with 19 of the members affixed their signatures to this document, but Fairfax and 22 others persisted in refusing, and defended their opposition on the plea that they were not responsible for the acts of others, but that in future they would be ready faithfully to serve the Government of the House of Commons, as the only supreme power then in existence, and therefore necessary to the liberties and safety of the people.† The House, in great excitement, proceeded at once to deliberate on this report, forbidding any of the members present to leave the hall without express permission; but political good sense acted as a check upon passion: to originate dissension among the republicans in the first days of the Commonwealth, would, it was felt, be madness: the regicides, too, knew, that if left alone, they would not be strong enough to maintain their position, and the House merely ordained that the Council of State, whom it had appointed, should all meet to confer together on what had best be done under the circumstances, and should afterwards communicate their decision to Parliament. The matter was arranged without further difficulty, the pledge of fidelity which the dissidents offered for the future was accepted, and they took their seats beside the regicides in the republican Council of State.‡

To fill up the vacancies in the House which had been occasioned by the secession of those members who had refused to take part in the trial of the king, new writs were issued, in order to allay the clamours of the people for a National Parliament; but the House was distrustful of the discretion of the electors, and therefore till the electoral law should be reformed, only sanctioned very few returns, and these at long intervals—seven in the course of six months—so that at length the House was found to consist of 150 members, but it was seldom that fifty could be got to attend, and hardly ever one hundred. The republican spirit, however, which animated this small knot of sectaries, rendered them equal to the performance of their arduous task, and they set about the reformation of the law with an earnestness and vigour which

* Essay on the British Constitution, chap. vi. p. 90.

† Commons' Journal, vi. pp. 139, 146.

‡ Guizot, Hist. of the English Commonwealth, i. p. 5.

might have done credit to a more mature assembly. "In this parliament," says Lord Brougham, "although several absurd and impracticable laws were passed against offences which no penal statute could ever well or safely reach, yet an important commencement was made of amendments in the system, and in the practice of our jurisprudence." A full inquiry was instituted into financial abuses and frauds upon the revenue, especially in the management of forfeited estates, of which there were at the present time an almost unlimited number, seventy Royalists, chiefly of rank and fortune being "*forfeits*" (men whose lives had been forfeited) in 1651; and in the year following, no less a number than 682, but many of these latter were permitted to compound for their estates at a valuation.* The distinctive feature, however, of this Parliament, *and of the Commonwealth Government in general*, was its liberality in matters of religion. The toleration, which the Presbyterians had originally asked in matters of dress and ceremonial, the Independents wished to extend to faith and doctrine, and were thus the earliest advocates of religious liberty. The Roman Catholics alone felt the severity of their rule, for it was thought that they were irreconcilably adverse to the existing state of things, and their property was therefore sequestered to the value of £60,000 a year, though only two-thirds of England were included in this calculation.

While these changes were taking place in the political constitution, an alteration of no less magnitude was being attempted in the judicial administration; instead of the Royalist lords, who had been committed to the Tower for their adherence to the royal cause, being brought to trial before their peers, as was the immemorial custom of England, a High Court of Justice was appointed to try them, which consisted of sixty members, of whom fifteen should form a quorum: John Bradshaw, the president of the High Court which had condemned Charles I., was appointed to preside. It was commissioned to "hear, try, and adjudge divers delinquents," among whom the Duke of Hamilton, the Earls of Holland and Norwich, Lord Capell, and Sir John Owen were specially named; and orders were given that their trial should immediately be proceeded with.† It was in vain that they requested time to get up their defence, or to procure witnesses from Scotland, whence the principal charges against them had been drawn: they were told "that it was for prisoners to prepare their proofs against the trial," and sentence

* The accounts of their compositions with the commissioners at Goldsmiths' Hall are still extant amongst the State Papers in the Public Record Office.—Rep. 1800.

† Journal of the Commons, vi. p. 128.

of condemnation was passed upon Hamilton,* Holland, and Norwich; but when Lord Capell came to be heard, he made a vigorous defence. "I am a prisoner of war," said he, "I had fair quarter given to me on the field of battle, and all the gowns in the world have nothing to do with me. . . . Though king and lords be laid aside, yet the fundamental laws of the land are still in force, and by the provisions of the Magna Charta and by the Petition of Right I claim permission to see my jury, and that they may see me; for never, I believe, within the memory of the oldest man living, can a precedent be brought of a subject tried for his life but either by bill of Parliament or by a jury." In reply, president Bradshaw told him, "That he was tried before such judges as the Parliament thought fit to assign him, and who had judged a better man than himself."† They all five were then condemned to be beheaded; but the arguments used in the defence of Lord Capell produced so strong an impression on the court, that the judges shrank from the responsibility which such rigorous proceedings might entail on them in the event of a change of government, and therefore referred the execution of the sentence to the sovereign decision of the House.‡ But the same motives which had influenced them also weighed with the Parliament, for the House knew that the execution of such popular lords as Norwich and Capell would be highly offensive to a great portion of the nation, and therefore desired, without interfering further in this melancholy affair, to profit by the severity of the judges whom they had appointed. The Court, however, was resolved not to allow the whole blame to rest upon its shoulders, and granted the condemned a respite of two days, that they might again appeal to Parliament.§ Lord Norwich and Sir John Owen were in consequence pardoned, but the Duke of Hamilton and the two other lords, Holland and Capell, were executed on a scaffold erected in the open space before Westminster Hall. The sensation which this unjustifiable act produced was one of mingled sorrow and indignation, and perhaps did more injury to the republican interest than any other measure, by

* After the Duke's condemnation he was urgently solicited to make certain revelations about the past: Cromwell even sent messengers to offer him not only his life, but the restitution of his former fortune, if he would do so; but he indignantly refused, saying that "if he had as many lives as hairs on his head, he would lay them all down rather than redeem them by so base a means."—State Trials, ix. cols. 1156, 1181, 1191, 1211; Guizot's Hist. Eng. Commonwealth, i. p. 20.

† State Trials, iv. cols. 1209-1214; Clarendon's History of the Rebellion, vi. pp. 253-255.

‡ State Trials, iv. col. 1188; Whitelock's Memorials, p. 386.

§ Commons' Journal, vi. p. 158.

reviving in the hearts of men the memory of that cause which had suffered defeat on the field of battle, but was still dear to the nation. The Parliament itself felt that it could not persevere in such a course, and wisely resolved in future to confine its punishments to confiscation and imprisonment: fifteen eminent Royalists were banished, the Bishop of Norwich and the Marquis of Winchester were detained in prison, and two only, Sir John Stowel and Judge Jenkins, were ordered to be brought to trial for their lives, not before any extraordinary tribunal, but before the regular courts of assize. But even this vote was not carried into effect, and no other political executions took place, so that the reign of the Commonwealth was but little stained with blood.

The Parliament, seeing the danger which was likely to ensue from the publication of the debates and acts of the High Court of Justice, and the spirited strictures on them by John Lilburne, who inveighed with puritanical zeal against all abuses of the government, forbade the publication of political papers, caused pamphlets to be seized, and appointed a committee to prepare measures for repressing abuses of the liberty of the press;* but the utter failure of these precautions to effect their object only shows the folly of a government attempting to regulate by statute the intellectual development of a people. No sooner did the "Eikon Basilikè, or Portraiture of his Sacred Majesty in his Solitudes and Sufferings" (a work which was presumed to have been written by Charles I., but was probably the production of Dr. Gauden, Bishop of Exeter,) appear, than it went through 47 editions, more than 48,000 copies being distributed in England during the course of one year, and it was immediately translated and read with avidity in France and throughout Europe. "The effect which it everywhere produced was prodigious: attachment to the memory of the king became passion, and respect, worship: his enemies were regarded as the murderers of a saint. It is," says M. Guizot, "to the 'Eikon Basilikè' that Charles I. is principally indebted for the name of the Royal Martyr."† To meet this overflow of popular feeling by a more stringent supervision of the press was found useless; the only means was to accept the challenge which it threw down, and Milton, the illustrious poet and scholar (who had been appointed secretary for foreign tongues), was selected as the most competent person to reply to it, which he endeavoured to do in his work entitled "Eikonoklastes," but he failed to appreciate the sentiments with which the "Eikon Basilikè" inspired the

* Journal of the Commons, vi. pp. 164, 276, 298.

† Guizot, Hist. Eng. Commonwealth, i. p. 30.

Royalist party,* and his reply would have soon been forgotten had it not been for the rejoinder of the eminent Protestant scholar Salmasius, who undertook its refutation, and called forth a second reply from Milton, entitled "The Defence of the People of England, in answer to Salmasius's Defence of the King," which is admitted by all parties to be a masterpiece of political eloquence and erudite reasoning, in which the principles as well as the actions of the Commonwealth are defended with such perspicuity and firmness that Salmasius is said to have died of very grief. Their Republican opponent, John Lilburne, however, was not so easily silenced; he persevered stoutly in his opposition to all the abuses of government, and warned the people and soldiers of the ambitious designs of the military leaders. In his pamphlet addressed to the Parliament, entitled "England's New Chains Discovered," he says, "If your honourable House should fail in performing that supreme trust which is really and essentially resident in your integrity, yet we shall not doubt but that what we have here presented and published will open the eyes and raise the hearts of so considerable a number of the soldiery and people in all places, and make them so sensible of the bondage and danger threatened, as that these men, this faction of officers, shall never be able to go through with their wicked intentions." No wonder that a man who so openly rebuked the vicious tendencies of his age should have drawn down upon himself the resentment of the Parliament and the general council of officers: his pamphlet was described as a false and seditious libel on the present government, and the author and distributors of it were declared guilty of high treason; but nothing daunted by this severe treatment, he addressed, from his confinement in the Tower, a manifesto to the people and soldiers of England, calling upon them to reject the "proposition for a new scheme of government," which had been submitted to the Parliament by the council of officers, and proposing instead "an Agreement of the People of England," which embodied, in thirty articles, the views of himself and his followers, who were erroneously termed Levellers.†

* See *Etudes Biographiques sur la Révolution d'Angleterre*, par M. Guizot.

† The Levellers, who have probably been misrepresented and unjustly censured by their contemporary historians, are described by a modern writer as having "comprised a large body of Englishmen, of the finest sense, purest manners, and most enlightened religion." ("The Principles of the Levellers," 1659, in *Harleian Miscellany*, vii. 36-46.) They had demanded a new Parliament, chosen by all but paupers and hired servants, and appear to have foreseen, as early as 1649, and only a few weeks before the execution of Charles, what the ambition of Cromwell would attempt.

Lilburne's Constitution was not so different as he imagined from that for which he aspired to substitute it: it was unlike it, however, in several particulars, some of its arrangements being more just and liberal, and others more visionary and impracticable. On the one hand, Lilburne gave far greater extent to the rights and liberties of individuals, and especially to liberty of conscience; on the other, he paid far less attention to the means of government, and instituted against abuses of authority many of those pretended guarantees which disorganise both society and government. For instance, he deprived the members of the existing legislative assembly of the right of being elected to sit in the succeeding Parliament,* but he expressly disclaimed all intention of introducing a communistic form of government, and inserted a special article in the scheme of constitution, declaring that "no estates should be levelled, nor things held in common." It was, however, to no purpose that Lilburne and his followers protested against any participation in these doctrines; for on account of some confused idea of the resemblance of these men, who were mostly found in the ranks of the army and amongst the poorer classes, to the Levellers of the time of Richard III., they were designated by the same name, and vulgarly believed to be dangerous enemies to social order.† Their numbers, however, daily

This I learn from a very scarce pamphlet now before me, entitled "The Hunting of the Foxes; or, the Grandie Deceivers Unmasked: printed in a Corner of Freedome, right opposite to the Council of Warre.—Anno Domini, 1649." The authors, four private soldiers, "late members of the army," had been cashiered by a court-martial, for having presented a remonstrance to the Lord-general Fairfax. In this pamphlet, after censuring the "Council of State" as "now about adorning itself with all regal magnificence and majesty of courtly attendance," they thus proceed (p. 8): "Yet this is not our new intended king; there is a king to succeed: this is but his viceroy: *O Cromwell!* whither art thou aspiring? The word is already given out amongst their officers 'that this nation must have one prime ruler or magistrate over them, and that the General hath power to make a law to bind all the Commons of England.' This was most daringly and desperately avowed at *Whitehall*, and to this temper the court-officers are now a-moulding: he that runs may read, and foresee the intent; a new regality!" Whitelock quotes from "the Levellers" the thirty heads of their "Agreement of the People." Among these are the following: "Parliaments each to stand for one whole year; none to be compelled to fight by sea or land against his conscience; men's persons not to be imprisoned for debt, nor their estates free; men's lives not to be taken away but for murder or the like; every parish to chose its own minister, and to force none to pay; no estates levelled, nor all things common." See Whitelock's *Memoirs*, p. 385; *Parl. Hist.* xix. 121-123; *Macaulay*, v. 6-9; *Burton's Cromwellian Diary*, i. p. 49, *note*.

* Guizot, *Hist. Engl. Commonwealth*, i. p. 46.

† These so unjustly described Levellers were probably the only con-

increased, as the ambitious views of the military leaders became more evident, and serious disturbances broke out in several counties, which endangered the peace of the country, and even threatened the existence of the present government. Cromwell, who was at this time preparing to embark with an army of 16,000 men, which had been voted by Parliament for the suppression of the rebellion in Ireland, where the Royalists, joined by the native Catholics, had defeated Monk and shut up the Lord-lieutenant in Dublin, was obliged to delay his departure on account of the influence of the Levellers in the army, who refused to embark until their claims had been satisfied, and several regiments marched off, leaving their officers standing on the field. These breaches of discipline were promptly punished by the Lord-general, who managed with such energy and skill that in a short time order was again restored; and by the middle of August (1649) he was enabled to take his departure for Ireland, where matters had already taken a more favourable turn. The Earl of Ormond, who had laid siege to the capital, had been surprised and defeated by Jones, the Parliamentary general in command of Dublin; but most of the fortified towns were still in the hands of the enemy. Cromwell, having rested his troops a fortnight, opened the campaign with an army of 12,000 men by the siege of Drogheda. The result may be told in Cromwell's own words: "It hath pleased God to bless our endeavours at Drogheda; after battering, we stormed it (Sept. 12). The enemy were about 3,000 strong in the town. We refused them quarter, having the day before summoned the town. I believe we put to the sword the whole number of the defendants. I do not think thirty of the whole number escaped with their lives; those that did are in safe custody for Barbadoes." A like fate befell Wexford, Waterford, and other fortified places which held out for Charles II.; the garrisons of Cork, Youghal, Bandon, and Kinsale, submitted as soon as summoned, and Kilkenny and Clonmel received favourable terms.

The conduct of Cromwell in his Irish campaign has been frequently blamed by historians as barbarous and cruel, and certainly in modern times there has been no confiscation of property or expulsion of the native population to compare with that which took place in Ireland in 1649-1652; but we must recollect the provocations which the English had endured, and the cruel

sistent Republicans of their time, and, together with the Presbyterians who had become disgusted with the Independents for having frustrated all their schemes of political and religious reform, offered a stern opposition to the powers in possession.

massacre of the Protestants, only eight years before (1641) without regard to age or sex.

Meantime negotiations had been carrying on between the Parliament of Scotland and King Charles II., who had been proclaimed at Edinburgh immediately upon the death of his father; but as the Scots still insisted upon the Covenant and the abolition of Episcopacy, the king, who was extremely devoted to pleasure, delayed his departure from the Continent, in hopes that differences between the Levellers and the government might afford a more favourable opportunity of his taking the field against the Parliament without submitting to the degrading conditions which the Scots wished to impose upon the Crown. Indeed, at this time, there was every prospect of matters coming to an open breach between the two republican parties, and, at the very moment when the Oxford mutiny broke out, a letter was intercepted from a cavalier prisoner in the Tower to Lord Cottington, one of the intimate advisers of Charles II., in France, which ran thus: "All our hopes depend on his majesty's seeming compliance with Lilburne and the Levelling party, whose discontents increase daily. As touching the state of affairs here, his majesty's friends have no possibility of embodying, unless the Levellers lead the way, which will be, I hope, suddenly put in execution. To that purpose I desire some assistance may be given me, for without supplies of money little can be expected, those I converse with being all either extremely needy or covetous."*

The watchfulness of the Parliament, however, soon discovered these intrigues of the ultra-Republican and Royalist parties, and the Council of State took the opportunity of bringing Lilburne to trial, who was arraigned at Guildhall, before a large assembly of the citizens who waited in breathless anxiety to hear the sentence of the court. When the jury† returned the verdict of "not guilty," a shout of applause rang through the building, and Lilburne was carried in triumph on the shoulders of the crowd; but this partial victory of the Levellers only produced the effect of rendering the government more stringent in its measures, both against themselves and the Royalists. New clauses were introduced into the Statute of Treasons, directing that words should be considered equivalent to overt acts, and punished capitally; the publication of journals or collections of news was placed under the supervision of a board, and all printing was prohibited, except in the four cities of London, Oxford, Cambridge, and York.

* Old Parliamentary History, xix. p. 193.

† An extraordinary commission of forty members was appointed to conduct the trial, but the determination of the charges against the prisoner was left to the jury. See Commons' Journal, vi. 293.

1650.]—Meantime the Royalist party in Scotland had been gaining heart, and the Earl of Montrose, thinking that the moment had come for striking a decisive blow, landed in the Orkneys with a small body of foreign troops and exiles, but few lords flocked to his standard; and when he was met by David Leslie at Corbie-dale, in Fifeshire, he was compelled to surrender with his little army, which scarcely exceeded a thousand men.

On the news of Montrose's defeat, Charles lost no time in declaring to the Scottish Commissioners that he had not sanctioned the enterprise, and would gladly avail himself of their proposal to come in person to Scotland. The Scottish Parliament replied, that "nothing had been done but for his interest, and that they hoped for a happy agreement with his majesty, desiring him not to be discouraged at some seeming obstacles, such as the death of Montrose and some few others, who were not true friends to his majesty." Charles then embarked on board the Dutch fleet which happened to be cruising off the coast of Flanders, and after a tedious passage of three weeks landed in Scotland (June 16), having first signed a treaty binding him to take the Covenants; to disavow the peace with the Irish; to acknowledge the authority of all the Parliaments held since the commencement of the Civil War; and to govern with the advice of the Parliament and the Kirk. His disappointment, however, was extreme, when, instead of finding himself king, he discovered that he was a prisoner in the hands of his own subjects. A lodging, with all the proper officers of state, had been prepared for him, but his own friends and adherents were not permitted to approach him, being stigmatised with the appellation of "malignants" by the Presbyterians, who kept a strict watch over everything which was done or said by the king. As for Charles himself, he took the Covenant, and subscribed to all the forms and ceremonies which his religious instructors thought right to impose, but he was neither permitted to attend the Council nor to reside with the army, so that his life became wearisome to him, and it is even asserted that he contemplated an escape to the Highlands, from whence he might return to France. But the approach of Cromwell, at the head of an English army, put an end to this state of suspense. So early as January 16, 1650, the English government had seen the dangers which threatened their power from the ascendancy of the Presbyterian interest in Scotland, and therefore had resolved to send an army thither to divert the war from England; but difficulties had occurred as to the appointment of a general, for Fairfax declared that it was unjustifiable to make war on a nation which had given no cause of offence, and between whom

and us there existed the solemn league and covenant. A committee, amongst whom were Cromwell and Ireton, was appointed to confer with him, and remove any scruples he might entertain; but, as they failed to convince him of the justice of the war, Fairfax resigned his command, and was the more suspected as his lady was a zealous Presbyterian and a friend to the Kirk. Upon this juncture, the Parliament and Council of State found it necessary to employ Cromwell in this other expedition, and gave him the honour of reducing Scotland, as he had already done Ireland. A formal document was drawn out by order of Parliament, constituting "Oliver Cromwell, Esquire, to be Commander-in-chief of all the forces raised, or to be raised, within the Commonwealth of England." This was the first step towards Cromwell's assuming supreme authority: so early as February a pamphlet had been seized, entitled "The Character of King Cromwell,"* and on the 14th of June, two months before the battle of Dunbar, M. de Croullé wrote to Cardinal Mazarin,— "According to the belief of many persons, Cromwell is carrying his ideas beyond what would be warranted by the most reckless ambition."†

Three days after Cromwell had been appointed Commander-in-chief, he set out for Scotland at the head of a veteran army of 10,000 men, which in its march was augmented to 18,000. The Scots, although superior in numbers, would not venture to meet Cromwell in the open field, but kept their army within a line of fortifications extending from Edinburgh to Leith. After fruitlessly endeavouring to bring them to action, Cromwell was obliged to retreat, owing to the want of provisions and the mortality amongst his troops, who perished by hundreds in a country which had already been laid waste. No sooner, however, did the Scots perceive that the English were retreating than they refused to obey the prudent commands of their general, Leslie, and demanded to be led to battle, lest the enemy should slip out of their hands. Cromwell and his officers, who had been seeking the Lord all day, in the evening were walking in the park of Brocks mouth House, at Dunbar, the residence of the Earl of Roxburgh, when Cromwell, taking up his glass to view the Scottish position, which was visible in the distance, discerned an extraordinary movement in the camp; a body of cavalry, and then a detachment of artillery, were seen moving from left to right, and descending the hills towards the sea, as if to cut off the retreat of the English army. "They are coming down to us," exclaimed Cromwell in a transport of joy, "the Lord hath

* Whitlock's Memorials, p. 434.

† Archives des Affaires Etrangères de France.

delivered them into our hands." He was right: during the night, which was stormy and wet, the enemy descended from their intrenched position on the heights, and arranged themselves in order of battle. Early the next morning (September 3), while the Scots were wet and weary, the English attacked them with great fury: the first onset of the cavalry was repulsed by the Scottish artillery and lancers, but the 1st regiment of English infantry coming up restored the action, and the fight continued hotly for some time, amidst shouts of "the Lord of Hosts," from the English, and "the Covenant," from the Scots. About seven o'clock Cromwell's own regiment of foot made a sudden charge, and broke through the enemy's lines. At this moment the sun burst through the clouds which had previously obscured it, and the whole of the enemy's line became visible. "Now let God arise," exclaimed Cromwell, "and his enemies shall be scattered." His words were re-echoed along the ranks, and a new charge was made with redoubled vigour. The Scottish squadrons gave way, but the infantry stood their ground until the English cavalry had gained their rear: they then threw down their arms and fled. The victory was complete: the fugitives were pursued for ten miles, 4,000 were slain, and 10,000, with all the artillery, ammunition, and baggage, were taken. Edinburgh and Leith opened their gates, and the whole country south of the Forth submitted to the English general, a few castles only holding out. Cromwell drew up a narrative of this great victory, and sent it to the Council of State, who ordered it to be read in all the churches of London with solemn thanksgiving.

1651.]—During the winter the Scots prepared another army in the north, and having extorted a solemn oath from Charles, that he would govern according to the laws of God and of the land, root out false religion and heresy, and maintain the Presbyterian form of worship, they caused him to be re-crowned at Secone, and swore allegiance to him as their rightful king (Jan. 1). In consequence of a severe attack of ague, Cromwell made no decided movement till July, when, after several marches and counter-marches, he passed his army over Queensferry, and, reducing Fife, cut off the king's communication with the north. In this dilemma Charles had only two courses to pursue, either to give battle or boldly to march for England, leaving the Commonwealth army in his rear. The king, who commanded in person, chose the latter alternative, and set out with 14,000 men from Stirling: having succeeded by forced marches in crossing the Mersey, and passing through Cheshire and Shropshire, he arrived at Worcester after a march of three weeks, closely followed by Cromwell, who had been reinforced on his march, so

that the parliamentary army was nearly double that of the king, who received but slight support from the royalists and presbyterians of England. After a sharply contested battle of four and a half hours, in which the Scots fought nobly, the royalists were defeated, and Cromwell took possession of the city of Worcester (Sept. 3); the king with difficulty escaped from the field, and for above forty days wandered through the country, encountering the most romantic series of dangers and difficulties, on one occasion seeking concealment in the oak tree at Boscobel, still commemorated by the observance of the "Royal Oak Day," and at every turn entrusting his life to the meanest peasants, whose fidelity he found unshaken, notwithstanding the immense rewards which were offered for his discovery. At length he got to Brighthelmstone,* where the monument of Tattershall, the skipper engaged by Colonel Gunther, still attests the truth of the narrative, and there obtained a passage for Fécamp, in France, under the disguise of a gentleman's servant.† Cromwell in the meantime returned in triumph to London, and the Commonwealth now began to make its government truly respectable, by the greatness of those designs which it formed and the vigour with which it carried them into execution. The Channel Islands, Scilly, the Isle of Man, so long defended by the celebrated Countess of Derby, and the plantations of Barbadoes and Virginia, had already been reduced; Scotland and Ireland alone remained to occupy the attention of the government. In the latter country, after the departure of Cromwell, the war had been carried on almost in a spirit of extermination by the infuriated Roundheads, who regarded the Irish Catholics as idolaters and savages. Ireton, who had been left in command, opened his campaign by the siege of Limerick, which capitulated after an heroic defence of fifteen months. Two months afterwards Ireton died of pestilence, leaving the command of the English forces to Ludlow, who concluded terms with the Irish chieftains, but not before most of the Irish peasantry had been driven beyond the Shannon or transported to the West Indies. The confiscated estates of the nobility were divided among the English adventurers who had advanced money to the Parliament or served in the army, so that within a few months a greater change was effected in the aspect of the country than had taken place since the landing of the first Norman settlers. Strange to say, says Macaulay,‡

* Col. Gunther's Narrative, 1846.

† Several officers of rank suffered death; and many of the common soldiers were sent as slaves to the colonies, or landed in North Carolina, which was now first settled.

‡ Macaulay, Hist Eng. i. 129.

under the iron rule of Cromwell and the Commonwealth, the conquered country began to wear an outward face of prosperity. Districts which had recently been as wild as those where the first white settlers of Connecticut were contending with the red men, were in a few years transformed into the likeness of Kent and Norfolk: new buildings, roads, and plantations were everywhere seen; the rent of estates rose fast, and soon the English landowners began to complain that they were met in every market by the products of Ireland, and to clamour for protecting laws.

When Cromwell left Scotland in pursuit of Charles, Monk remained, with an army of 10,000 men, to complete the reduction of that kingdom. The capitulation of Stirling was followed by the fall of Dundee, which was carried by assault, and given up to pillage. The other towns and castles surrendered in quick succession, and the authority of the English Parliament became paramount. An annual tribute of £130,000 was imposed for the support of the English army, and the courts of session were superseded by English judges, who were appointed to go the circuits. It was not, however, before 1654, that the two countries were entirely incorporated.

The progress of affairs in England* was watched with the closest attention by the European powers, but it did not inspire them with any serious alarm. Though they regarded the English revolutionists with the utmost antipathy, they did not

* The researches of M. Guizot in the "*Archives des Affaires Etrangères*," in the *Bibliothèque Impériale*, and in the "*Archives of Simancas*," published in his "*Oliver Cromwell and English Commonwealth*," have thrown an entirely new light on this portion of English History, and explain the peculiar course taken by France and Spain with regard to the execution of Charles I., which has never before been fully appreciated by historians. Hume says, "the French ambassador, by orders from his court, interposed on the king's behalf;" Lingard, on the contrary, that "Henrietta Maria could obtain for him no interposition from France." In the face of these conflicting statements it is important to have the matter satisfactorily cleared up by reference to contemporary documents, as has been done by M. Guizot, from whose admirable work the greater portion of this sketch of the foreign policy of the Commonwealth has been drawn. In forming an estimate, however, of the conduct of Louis XIV., Guizot appears to have been misled by the difference of styles then in use in England and France, for speaking of the letters written to Cromwell and to Fairfax in behalf of the unfortunate monarch, which are dated February 2, 1649, or according to the English reckoning, January 23, 1648-9, he says, "But these solemn letters were mere solemn hypocrisies;" for De Varennes, who was to carry them, did not leave Paris till after the king's execution must have been known in Paris, "whereas, if allowance be made for difference of styles, there was ample time for the envoy to have arrived in London, and to have performed his mission, if Fairfax had possessed the power, or Cromwell the will, to save the king."

feel themselves really menaced by them, and their own position did not furnish any necessity for engaging in a direct and open struggle against them. At precisely the same period when royalty was tottering to its fall in England, it was gaining strength on the Continent: in all the great states of Europe, feudal and municipal liberties, the independent aristocracy, and the turbulent democracy of the Middle Ages, were disappearing or giving way before it; the necessity for order in society and for unity in the supreme power everywhere predominated; the general tendency, therefore, of ideas, as well as of events, was turned towards monarchy. The Commonwealth appeared a singular fact, purely local in its character, and the contagious influence of which was not greatly to be dreaded on the Continent, even in those states which were still agitated by civil dissensions.

The name of Commonwealth or Republic, moreover, was not then necessarily a cause of distrust and alarm: although that form of government had, until then, prevailed only in secondary states, it had maintained its place in Europe without disturbing European order by its presence; the great European monarchies had for ages continued on good and peaceable terms with the republics of Italy, Switzerland, Germany, and the Netherlands. Indeed, Europe had not yet contracted the habit of regarding the republican form of government as the precursor and promoter of revolutions and anarchy, a sentiment wholly engendered by the cruelties of the first French revolution.

The English revolution furthermore presented itself as much in a religious as in a political aspect. The great wars of religion were now at an end,—the treaty of Westphalia had just laid the foundation of a new European order,—the Catholic states and the Protestant states had mutually come to an understanding, and among the latter, the most recent and the most opposed, the United Provinces, had at length won their position and independence. The prevalence of peace between the various Christian communions, if not in the interior of every state, at least in the external relations of countries with one another, had been definitely established; and although religious prejudices and animosities were far from being extinct, neither government nor people were willing to renew a conflict in which all had severely suffered, and in which neither party could any longer hope to crush its rival.

Religious peace restored liberty to politics; religious passions and creeds no longer regulated the designs and alliances of states; the spirit of ambition or of resistance to ambition,—of preponderance or independence,—of aggrandizement or the balance

of power, became the principal motives of the conduct of governments in their international relations: they sought to obtain thereby means of attack or defence in their temporal hopes or fears, and weapons to serve them in their rivalries. The English revolution profited by this new and purely lay character of continental politics. Of the two great powers, France and Spain, which then contested for the ascendancy in Europe, neither wished to quarrel with the young Commonwealth; they both did their best either to draw it into their camp or keep it from joining the enemy; and two systems of alliance, more or less complete, and more or less openly avowed between France, England, and the United Provinces on the one side, and between Spain, England, and the United Provinces on the other, were the constant thought of Mazarin and Don Luis de Haro, at Paris and Madrid, and the object of the unceasing labours of their agents in London.*

This position of political parties in Europe explains the cause why Louis XIV. and Philip IV., however strongly they might have personally felt, did not interfere more directly to save Charles I., or to restore the royal family of England, with whom they were so nearly connected both by friendship and blood. Neither side could afford recklessly to incur the animosity of England, and if the Commonwealth should take part with the Protestant interest, they saw that the flame of war would be again rekindled throughout Europe. France was threatened by internal dissension, and the empire of Spain, lately the most powerful in Europe, was gradually sinking into decay, and sought to conceal her weakness by immobility. The two courts therefore remonstrated, truly and earnestly, but in the most conciliatory tone, and did not venture to support their interposition by menace, which they saw would be as useless as impolitic, in the present temper of the English nation.† In writing to his

* Letters of Antony Lebrun, Spanish Ambassador in Holland, to Don Alonzo de Cardenas, Nov. 29, 1649,—of Cardenas to Philip IV., Jan. 23 and Feb. 15, 1652,—and of the Archduke Leopold to Philip IV., Feb. 6, 1652, in the Archives of Simancas; Letters of Croullé to Mazarin, Jan. 10, 1650,—and of Servien to Croullé, Jan. 28, 1650, in the Archives des Affaires Etrangères de France. See Guizot, *Hist. Eng. Commonwealth*.

† This position of European politics is concisely explained by Cardinal Mazarin, in the statement which he presented to Queen Anne of Austria and her council, regarding the Commonwealth of England. "It seems at first sight, that if we are guided by the laws of honour and justice, we ought not to recognise the Commonwealth; as the king (Louis XIV.) could do nothing more prejudicial to his reputation than to consent to a recognition by which he would abandon the interest of the legitimate king, his near relative, neighbour, and ally; and nothing more unjust than to recognise usurpers who have imbrued their hands in the blood of their

government, M. de Bellièvre says, "I thought that it was better to be blamed for not having taken a step which any one might have seen could produce no advantage to the King of England, than to be guilty of the harm which that step might have done to the affairs of the king my master. For as you know very well, they are so suspicious here with regard to everything that proceeds from France, that that which would pass unnoticed from others is declared criminal when it comes from us; and as, of foreign powers, they fear us alone, they pay such attention to our actions and our words that the least expression of the resentment which we must feel for that which they have done, might be enough to lead them to make alliance with Spain; and the knowledge of this fact, combined with the general instructions which I have always received, not to irritate these fellows (*ces gens-ci*), made me resolve to act as I have done. I cannot repent of having been too circumspect, as I now find myself supported by your approval."* The language of the Spanish ambassador to his court on this point was to the same effect: "Two days ago," he writes, "when it became evident that the king's cause was becoming more and more desperate, a person sent by other persons belonging to the Royal and Presbyterian parties came to me to persuade me, that as the cause of all kings was at stake, and as it was important that monarchy should be preserved in the person of King Charles I., it was my duty, in the name of your majesty, to demand an audience of both

sovereign. . . . But as the laws of honour or justice should never lead us to do anything contrary to the dictates of prudence, it must be considered that all the demonstrations which we might now make in favour of the King of England would not lead to his restoration; that a longer refusal to recognise the Commonwealth will serve in no way to augment or confirm the rights of the king; . . . that whatever the necessities of the time and of our affairs may compel us to do in favour of the Commonwealth will not prevent us from afterwards being able to take advantage of any favourable conjunctures that may present themselves when we shall be in a better condition to attempt some great enterprise; . . . that, moreover, there is reason to fear that if the Spaniards once become more intimately allied with the English, as they are ardently labouring to be, they will prevent them from consenting to any accommodation with us, and will persuade them, if not to make open war upon us, at least to give them powerful assistance against us. There accordingly remains no room for doubt that we should without delay enter into negotiations with the Commonwealth of England, and give it the title which it desires." Documents inédits sur l'Histoire Diplomatique de France, in the *Revue Nouvelle*, vol. v. pp. 416, 419; MSS. de Brienne, in the *Bibliothèque Impériale*, Paris. See Guizot, i. Appendix xvi.

* Wicquefort's *Histoire des Provinces Unies*, iv. p. 162; MSS. de Brienne, in the *Bibliothèque Impériale*, Paris; *Archives des Affaires Etrangères de France*.

Houses of Parliament and of the Council of War, and to employ my good offices with the promptitude which circumstances required, by declaring that your majesty would strongly resent the proceedings which have been taken in regard to the king, and by making use even of threatening language: he added, that such a step would afterwards be appreciated by the king's sons, the probability being that the crown will revert to one of them. While expressing my sorrow at seeing matters brought to such an extremity, and dwelling very forcibly on the impression which the news would cause your majesty, I replied that I had no doubt that your majesty would, if necessary, appoint an extraordinary ambassador to represent you here, or would deign to give me special orders to take the steps suggested; but that, without such orders, I did not venture to undertake a matter of such a nature, and of so much weight and importance."

But all was not done by the powers of the Continent when they had assumed an uncertain and expectant attitude towards the Commonwealth; they had also to regulate their conduct towards the exiled king, and here their perplexities and the inconsistent weaknesses of their policy were still greater. Charles II. resided among the sovereigns of Europe; sometimes with the Prince of Orange, his brother-in-law, and sometimes at the court of the King of France, his cousin-german—besides the Queen of Spain, Elizabeth of France, was his aunt. He was everywhere able to invoke, and he did in fact invoke, the ties of consanguinity, as well as the common interest and honour of kings; but his importunities were received with coldness and reserve. William of Orange alone was a warm and active friend to Charles Stuart: he was an ambitious and imperious young prince, inclined to violent enterprises and to absolute power, but of a noble and sincere heart. To restore the fortunes of his brother-in-law, he wasted his strength in efforts and sacrifices which were too limited to be effectual, and to which his unexpected death soon put an end.

The parliament, however, cared as little for the ill-humour as for the friendship of foreign states; it understood that it was detested, but in no respect menaced, by the great European monarchies, and it conducted itself towards them with caution and dignity, but without uneasiness or angry feeling. It frequently sounded the foreign agents who still remained in England, Bellièvre, Croullé, Cardenas, and Joachim, sometimes in order to learn from them what sort of a reception would be given at their respective courts to the ministers whom the Commonwealth might send, and sometimes to intimate to them

that they could not themselves continue to reside in London unless they received from their governments fresh credentials accrediting them to the Parliament.* This strong desire to be formally recognised was exhibited from time to time by indirect means. "It has been printed here," wrote Croullé to Mazarin, "that the state councillors of France had treated with the English merchants on the subject of the business they transact, and had thereby recognised the Parliament as representing the Commonwealth. I hope they will rest contented with this imaginary recognition."† But the Parliament was not thus easily satisfied: it would hear of nothing but a full and unreserved recognition of its authority, and even violently expelled M. de Servien, who had been sent by the French government as a private agent to negotiate the conditions of a peace, so that at length the foreign governments were compelled to acknowledge the Parliament as the sole and sovereign power in England.

These diplomatic advances were accompanied by legislative measures no less efficacious for the protection of the national commerce. New laws were made for the more equitable distribution of prize-money,‡ English sailors were called home from foreign service, and the New Navigation Act was passed, by which all foreigners were prohibited from importing into England in their ships any commodities which were not the growth or manufacture of their own country: it further enacted that no goods or commodities whatever of the produce or manufacture of Asia, Africa, or America, should be allowed to be imported into England or Ireland, or any of the plantations, except directly in ships belonging to English subjects, and of which the master and the greater number of the crew were Englishmen. This Act became subsequently the basis of our navigation laws, which were confirmed after the Restoration, and were deemed of such importance to the growth of English shipping that they were not repealed till 1849. What effect these laws may subsequently have had on the development of English commerce, it may be difficult to determine, but certain it is that their enactment at first tended to increase the English trade, and to undermine the monopoly of the Dutch, who at

* Letters from Croullé to Mazarin, Nov. 15 and Dec. 6, 1649, Nov. 7, 1650,—Servien to Croullé, Nov. 6, 1649,—in the Archives des Affaires Etrangères; Cardenas to Philip IV., June 20 and Aug. 13, 1649; Deliberations in the Council of State at Madrid on the Recognition of the Commonwealth, Oct. 9, 1649, and May 7, 1650,—in the Archives of Simancas; Guizot, Appendix.

† Archives des Affaires Etrangères; Guizot.

‡ Commons' Journals, vi. pp. 202, 204.

that period engrossed almost the whole carrying trade of the world, and had rendered themselves especially obnoxious to the English by their grasping and exclusive policy, which reached its climax in the massacre of Amboyna, an ignominy never forgiven, much less forgotten, by England. The French, too, suffered considerably by the new law, especially in the article of wine, for Louis XIV. having recently prohibited the introduction into France of all woollen stuffs or silks manufactured in England, the Parliament directed the Council of State to prepare a report upon the different treaties which had hitherto regulated the commercial relations of the two countries, and, on the ground that the recent prohibition was illegal, it forbade in its turn the introduction into England of wines, woollen stuffs and silks from France;* “And to those who told them that this exclusion would not be effectual, and that they could not do without our wines,” wrote Croullé to Mazarin, “they answered jocosely that men soon got accustomed to anything, and that, as they had without inconvenience dispensed with a king contrary to the general belief, so they could also easily dispense with our French wines.”†

The conduct of the English admirals was in exact accordance with the diplomatic negotiations of the Commonwealth. They followed up their victories over the royalist fleets with unremitting energy, and chased them into the harbours of Spain and Portugal, where, in disregard of the sanctity of neutral waters, they engaged and captured the pirate vessels which carried the flag of Prince Rupert, who, now that he had been driven from the land, maintained at sea the same fierce and desultory warfare, making prize of all English vessels which fell into his power. Many private ship-owners, English, Scotch, French, and Dutch, also joined in this wholesale system of free-booting, and procured letters of marque from Charles II.; but the republican navy soon scoured the Channel and the North Sea, as it had done the Mediterranean, and took signal vengeance on those who had aided the pirates. The French commerce especially paid dear for the prizes which its privateers had made at first upon the English. In the month of September, 1651, the Parliament declared, that as it could not obtain justice from the King of France, it had determined to do itself justice; six French ships, arrested by captains of vessels in the service of the state, were definitively confiscated, and no satisfaction was given to the remonstrances which arrived from Paris on the

* Commons' Journals, vi. pp. 284, 285.

† Archives des Affaires Etrangères de France; Guizot's Cromwell and the English Commonwealth, i. p. 221.

subject. The Commonwealth was everywhere feared and respected, and even France trembled lest Cromwell, after finishing his campaign in Ireland, should turn his arms against that country, and restore the Protestant ascendancy.* Matters nearer home, however, prevented the Commonwealth from turning its attention to foreign conquest. There was one country, and only one, with which England desired an intimate union, and that was Holland, but rather in the way of friendship than of conquest; both countries were Republican and Protestant—both commercial and wealthy—bound by the same interests, and united in the same struggle for religious liberty. “Never,” says M. Guizot, “could a more favourable opportunity have presented itself for the conclusion between the two Protestant Republics of that intimate alliance which their position seemed to indicate to them.”† But the population of Holland were vehemently opposed to such a connection; it was to them the loss of their national existence, and their absorption into the more powerful state of England, which was already exceedingly unpopular in the United Provinces, as their former protector, their present rival, and probably their future enemy. Satires, songs, and other small compositions in prose and verse, expressive of deep hatred and violent threats against the English, were already in circulation among the people; even the heads of the Dutch government, the men most decidedly in favour of a good understanding with England, were too high-minded not to place the independence of their country far above all other considerations, and their good-will in the negotiation diminished as soon as they caught a glimpse of the ambitious designs of the foreign envoys.‡ Thus, the very reasons which ought to have reunited their friendship became the source of jealousy and mistrust.

1652.]—Either nation considered itself wronged, and there was only wanting the pretext for an open rupture, when (May 19) Van Tromp, entering the Downs with forty sail, fell in with

* “I know of no persuasion strong enough to remove from the minds of all, that as soon as Cromwell has done in Ireland he will pass into France with his army.”—Letters from Croullé to Mazarin, in the Archives des Affaires Étrangères.

† Wagenaar’s *Vaderlandsche Histoire*, vol. xii. p. 118; Guizot’s *Cromwell and the English Commonwealth*, i. p. 249.

‡ “We propose,” said St. John and Strickland, “that the amity and good correspondence which hath anciently been between the English nation and the United Provinces be not only renewed and preserved inviolable, but that a more strict and intimate alliance and union be entered into by them, whereby there may be a more intrinsical and mutual interest of each in other than has hitherto been, for the good of both.”—Wicquefort’s *Histoire des Provinces Unies, Preuves*, ii. pp. 379-391.

Blake, who was cruising off the coast with a fleet of twenty ships. The English admiral immediately demanded that Van Tromp should strike his flag, as being within the limits of the English waters: the reply, it is said, was a broadside, although this was afterwards denied by the Dutch admiral, and an engagement ensued in which the Dutch lost two of their ships. The States, not being ready for war, sent over the grand pensionary Pauw, with the offer of an apology, but the Commonwealth refused all compromise, and finally issued a declaration of war. A long and destructive contest ensued, in which several naval engagements were fought by Van Tromp, De Ruyter, and De Witt, with varying success, but the result of the struggle was on the whole favourable to England: the Dutch were cut off from the navigation of the Channel, their fisheries in the Arctic Ocean interrupted, above 1,600 of their ships captured or destroyed, and more money expended in these two years than in their twenty years' war with Spain.

The prestige which a successful foreign war always gives to an administration induced the Rump Parliament to act with more spirit and independence. It saw that its power was threatened by the army, and as a first step towards regaining its popularity, proposed the readmission of the Presbyterian members who had been excluded, and then proceeded to debate the necessity of a reduction of the land forces, which, while the English were so powerful at sea, entailed an unnecessary burden upon the nation. The annual expenditure, which in the late reign had scarcely amounted to one million sterling, was now more than doubled, and had to be met by crushing taxation—the chief sources of revenue were drawn from monthly assessments, the excise on beer, spirits and other commodities, tonnage and poundage, the sources of such grievous complaints in the late reign, customs on foreign commodities, and fines and compositions imposed on royalists and recusants. On the 19th December, 1651, therefore, the order was issued for the disbanding of one-fourth part of the forces, and it was resolved that further reductions should be made after six months' time; but Cromwell and the military leaders, seeing that their influence would vanish if they permitted the army to be disbanded, persuaded the soldiers to demand the arrears of their pay, and not to suffer themselves to be defrauded of their just rewards after having saved the nation from tyranny. A council of officers was then called, and a remonstrance presented from the army, humbly praying that it was contrary to the spirit of a democracy for any set of magistrates to make themselves perpetual, and requesting that the

present Parliament, after issuing writs for a new election, would dissolve itself, tacitly hinting that they had been neglectful of their duty in various ways. This application, as might be expected, met with a sharp reply; but it came from too powerful a quarter to be disregarded,—no more reductions were made in the army, and all those who were anxious for a change now began to look to Cromwell as the only man who could effect their object.

A concurrence of favouring circumstances, more than any deep-laid policy, had thus brought sovereignty within the reach of Cromwell. “The parliament,” says Hallam,* “in its present wreck contained few leaders of superior ability; but a natural instinct would dictate to such an assembly the distrust of a popular general, even if there had been less to alarm them in his behaviour; they had no means, however, to withstand him,” and voted their own dissolution in four years. Cromwell dexterously aggravated their faults, and endeavoured to render himself the sole refuge of those who valued the laws, or the regular ecclesiastical ministry, or their own estates, all in peril from the mad enthusiasts who were in hopes to prevail.

About this time a considerable change took place in the character and prospects of Cromwell. “He was not,” says Macaulay,† “what he had been; nor would it be just to consider the change which his views had undergone as the effect of merely selfish ambition. When he came up to the Long Parliament, he brought with him from his rural retreat little knowledge of books, no experience of great affairs, and a temper galled by the long tyranny of the government and of the hierarchy. He had, during the thirteen years which followed, gone through a political education of no common kind. He had been a chief actor in a succession of revolutions. He had been long the soul, and at last the head, of a party. He had commanded armies, won battles, negotiated treaties, subdued, pacified, and regulated kingdoms. It would have been strange indeed if his notions had been still the same as in the days when his mind was principally occupied by his fields and his religion, and when the greatest events which diversified the course of his life were a cattle-fair or a prayer-meeting at Huntingdon. He saw that some schemes of innovation for which he had once been zealous, whether good or bad in themselves, were opposed to the general feeling of the country, and that if he persevered in those schemes, he had nothing before him but constant troubles, which must be suppressed by the constant use of the sword. He therefore wished to restore, in all

* Constitutional Hist. ii. p. 94.

† Macaulay Hist. Eng. i. p. 131.

essentials, that ancient constitution which the majority of people had always loved, and for which they now pined."

1653.]—Taking advantage of this popular feeling, Cromwell pressed the question of immediate dissolution, which he knew the Parliament would not consent to, with unremitting vigour while some of the military leaders even went so far as to affirm that "it was necessary the same should be done one way or other for which they were rebuked by Cromwell. But as soon as I heard that the question of dissolution had been brought before the house (April 20, 1653), he ordered a party of three hundred soldiers to follow him, and proceeding to the door of the House of Commons, entered it, strictly commanding his guards not to come in without a signal from him. Having listened attentively to what was passing, he rose up, and, addressing the Speaker, accused the parliament of injustice, partiality, and self-interest. "But," said he, "the Lord has done with you, and has chosen other instruments, who are more worthy, for the accomplishment of his work." Sir Peter Wentworth replied that this language was unparliamentary, and not to be endured from one of their own servants. Cromwell then waxed vehement, and stamping with his foot, exclaimed, "You are no parliament—I say you are no parliament. Bring them in, bring them in." The door was opened, and Captain Worsley, at the head of forty soldiers, entered. All was confusion; several members at once accused Cromwell of cowardice and fraud; he retorted by telling them to look to their vices and ill-lives, and then, turning to the guard, ordered them to clear the house. As the members were retiring, he continued: "It is you who have compelled me to do this. I have sought the Lord both day and night, that he would rather slay me than put me on the doing of this work; but there is no help for it:" and, taking up the mace, which lay on the table, locked the door himself, put the key in his pocket, and went home to his lodgings in Whitehall.

"Laughable," says Montesquieu, "was it to witness the fruitless attempts which were made by the English nation to abolish monarchy." The famous republic of England, which had subsisted for four years and three months, was annihilated in one moment, and this with the secret approbation of the great majority of the people, who, after a brief trial, had found democracy little preferable to despotism: and indeed there is a striking resemblance between these two forms of government, which, as they equally depend upon the uncontrolled will either of an individual or a multitude, are alike suspicious, jealous, fearful, fond of flattery, cruel, capricious, and tyrannical, and therefore unfit to form the basis of a stable government. It is for this

reason that all the most applauded governments—Sparta, Rome, England, Holland—have been formed upon the principle of mutual control. It is by dividing power among different orders and classes; by multiplying forms and privileges; by giving the people an attachment to settled rules of proceeding, and a habit of loving justice; by filtering the turbid current of popular opinion through various modes of deliberation and of counsel; by giving a sanctity to judicial bodies, before which rank and riches bend in submission; and finally, by opposing a check to every act of passion, whether in chief, nobles, or people, that the whole society is protected against the abuse of those faculties of government, the right use of which produces some of the greatest of human blessings.*

* Earl Russell, *Essay on the Cause of the French Revolution*, published 1832, anonymously.

CHAPTER XXIII.

THE PROTECTORATE. 1653—1658.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XIV., 1643-1715. *Germany*—FERDINAND III., 1637-1658. *Spain*—PHILIP IV., 1621-1665. *Popes*—INNOCENT X., 1644-1655, and ALEXANDER VII., 1655-1667.

- 1653**—Unpopularity of the Long Parliament—Council of officers—Power of Cromwell—The Little Parliament—Revision of the law—Instrument of Government—Cromwell made Protector—Reformation of the representative system—Conservative policy of the Protector—Supported by the moderate party—Constitution of Government—Powerful opposition—Reasons to make us judge leniently of the character of Cromwell.
- 1654**—Separation of the executive and legislative functions—Scotland incorporated with England—Respect shown to Cromwell by foreign courts—Development and success of the English navy—Conclusion of the first Dutch war—Treaty of Westminster—Election of a new parliament—Disagreement between Cromwell and the parliament—Secession of a number of members.
- 1655**—Dissolution of Parliament—Government of Cromwell without a parliament—Royalist and Republican conspiracies—Confiscation of estates—Arbitrary measures—Vigorous government of Cromwell—His foreign policy—England the head of the Protestant states—Charles II.—War with Spain—Victories of Blake—Capture of Jamaica.
- 1656**—Election of a new parliament—Exclusion of nearly a hundred members—Republican opposition—Adherence of the parliament to Cromwell.
- 1657**—Intrigues to make Cromwell king—The humble Petition and Advice—Cromwell declines the title of king at the instance of the army—New constitution of the protectorate—Ceremony of inauguration—Monarchical tendency of the government.
- 1658**—Second session of the parliament in two houses—Failure of the attempt to create a new house of peers—Quarrel between the two houses—Opposition in parliament—Cromwell is forced to dissolve the parliament—Cromwell's great ability—Capture of the Mexican and Peruvian fleets—Dunkirk ceded to England—Coalition of the royalists and republican parties—The Sealed Knot—Decline of the Protector's health—Conspiracies of the Royalists and Republicans—Cromwell's death and character—Conclusion.

1653.]—The Long Parliament had naturally become unpopular, both from its duration of eighteen years, from the expulsion of a large portion of its members, and from its subser-

viency to the army and their chiefs. Cromwell's* usurpation, therefore, was acceptable to the nation, and was hailed as the only means of delivering the country from the worst of all governments—a military tyranny. “Nothing could have been more fortunate for England,” says Hallam, “than this usurpation of Cromwell, if such it is to be called. It secured the nation from the mischievous lunacy of the anabaptists, and from the more cold-blooded tyranny of that little oligarchy which arrogated to itself the name of Commonwealth-men.”† Even if the Presbyterians had regained their power, there was no security against their inflicting on the nation their intolerant religious despotism; while the Catholics and Royalists were intent on restoring absolute monarchy. The supporters of Cromwell were emphatically the party of order, and we shall see that he took due precautions to maintain, as near as possible, the ancient constitution of the realm. “The course,” says the same learned writer before quoted,‡ “afterwards taken by Monk was not open to Cromwell. The memory of one terrible day separated the great regicide for ever from the house of Stuart. What remained was that he should mount the ancient English throne, and reign according to the ancient English polity. If he could effect this, he might hope that the wounds of the lacerated state would heal fast.” The ablest Royalists were of this opinion, and if Cromwell had been permitted to follow his own judgment, the exiled line, in all probability, would never have been restored. But his plans were directly opposed to the feelings of the only class which he dared not offend. The name of King was hateful to the soldiers; some of them were, indeed, unwilling to see the administration in the hands of any single person. The great majority, however, were disposed to support their general, as elective first magistrate of a commonwealth, against all factions which might resist his authority; but they would not consent that he should assume the regal title. Cromwell, therefore, after careful deliberation, wisely determined not to grasp a power

* Oliver Cromwell was born April 25, 1599. He was returned member for Huntingdon, and subsequently sat for Cambridge. He is supposed to have embarked with his kinsman, John Hampden, in 1637, on board an emigrant ship in the Thames, to join the “Pilgrim Fathers” in America, but was stayed by order of Government. He then took a commission as colonel of horse. In his place in Parliament he makes an impressive speech, desiring that the war may be conducted with greater speed. He shortly after joins the army, and is made lieutenant-general. He is successful in all his undertakings. Reduces Scotland and Ireland, and is chosen Lord Protector, December 16, 1653. He dies on the 3rd September, 1658, by a bastard tertian ague.

† Hallam, Const. Hist.

‡ Macaulay, i. pp. 132, 133.

which was beyond his reach, and so contented himself with the dignity of Protector, which all parties were ready to concede to him as the reward of personal merit, and remodelled the constitution of the new republic on a plan as nearly similar to that of the old monarchy as the temper of the army would permit.

After the dissolution of the Rump, the first act of the Council of Officers was to dismiss the Council of State; they then issued a declaration of the grounds and reasons of their dissolving the Parliament, and promised that a free Parliament should be called. Meanwhile a new Council of State was formed, consisting of Cromwell, eight other officers, and four civilians, to whom the supreme power of the state was entrusted. This body, as might be supposed, acted with little wisdom or unanimity; sometimes the Council of State, sometimes the officers, and sometimes the Lord General issued the commands, but they were rigorously obeyed both by the army and the navy, and the courts of law proceeded in their accustomed manner; indeed, everything seemed as if it only required a master-hand to seize and direct the state; but Cromwell well knew the dislike the people entertained to all appearance of usurpation, and wisely deferred the assumption of sole power to a more opportune period.

In order to satisfy the popular voice and to disguise the violence of their proceedings, the officers now proposed that a new Parliament should be called; but Cromwell, fearing the experiment of a general election, devised the following plan: that the ministers of the congregational churches throughout the country should take the sense of their flocks on the persons most fitted to represent "God's people." A list of names of those who were "God-fearing, faithful, and hating covetousness," were returned by the several churches, and out of these Cromwell selected 139 members for the three kingdoms of England, Scotland, and Ireland, constituting them a Parliament, with authority to exercise the supreme functions of government, and power to nominate a new assembly on their own dissolution, which was to take place within fifteen months. This new Parliament, which was popularly named the "Little Parliament," or "Barebones Parliament," from the name of one of its members, Praise-God Barebones, met on the 4th of July, and showed a disposition to act with vigour and independence; but most of its members, though respectable and honest men, were little suited to direct the affairs of state, and still less to rule a powerful and turbulent faction: it besides wanted that moral command which the universal assent of the people and long-established custom can alone give to any government. Its first object was the reformation of abuses in the executive, and for this purpose they insti-

tuted a searching investigation into the management of the excise and the treasury, abolished useless offices, and curtailed the public expenses, and caused a regular return to be made to Parliament of the public expenditure. Their next object was to bring the various departments of the state into an uniform and regular system ; they formed eleven committees, one for the advancement of education, another for the reformation of prisons and penal discipline, a third for ecclesiastical purposes, and a fourth for the better maintenance of the poor.

But the subjects which mainly engrossed their attention were religion and the law. Instead of the immense confused mass of common and statute law, they proposed to codify the laws and to reduce them into a small volume,* which might be carried in the pocket, so that every Englishman should be well acquainted with the laws which he was called upon to obey ; but when they came to put this good resolve into execution, they found an insuperable difficulty in disposing of the cases which were already pending, no fewer than 23,000 causes being before the Court of Chancery alone, and some of them had been there for twenty or even thirty years. Several bills were therefore introduced for the purpose of disposing of these causes, and a commission, under the direction of the celebrated juriconsult, Matthew Hale, was appointed to carry out the recommendations of the committee. This learned body, which consisted of twenty-one persons, nearly all of whom were eminent for rank or learning, entered fully into the most important questions of civil legislation ; the registration of marriages, births, and deaths ; the transfer of property and its registration ; the abolition of fines upon bills, declarations, and original writs ; the speedy recovery of rents, and other matters of equal importance ; on all these subjects, the commission drafted schemes of reform for the consideration of the House, several of which were actually submitted to it by Whitelock, but before they could be reduced into law, the Parliament was dissolved. An act, however, passed, ordaining that in future all laws should be written, and all proceedings before courts of justice conducted in English, and not in French or Latin, no inconsiderable boon to the public, as it greatly diminished the expense of lawsuits, and rendered them less tedious and complex.

With regard to religion, the committee which had to report on the tithes and impropriations, after a long investigation, gave it as their opinion that the lay patron and the incumbent had a property in the tithes, as most of the church lands had been originally granted subject to various restrictions ; the majority of

* Commons' Journal, vii. pp. 249, 250.

the members, however, could not reconcile their minds to believe that a layman, merely as the owner of land, could have the right of imposing a religious teacher on the parish, and even of selling this right like any other species of property; they therefore resolved that tithes should be abolished and an indemnity offered.

On this point the tribunals, the lawyers, the patrons, and the clergy were their opponents; and a measure to reduce the army brought on them the opposition of the soldiery, so that all these powerful interests were combined to effect their overthrow. Cromwell saw this, and came forward as the champion of invested rights. On the 12th of December, 1653, he had a consultation with his friends, and on the following day Colonel Sydenham made a long and powerful address in the House, in which he pointed out the injurious tendency of the late measures to every order in the state, and called on the Parliament to resign its powers into the hands of the Lord General. The Speaker and fifty other members rose and went in a body to Whitehall, where they presented an address to Cromwell, and drew up an instrument of resignation, which was left in the hall for those members who had not been present at the debate to sign; eighty signatures in all were attached to it, being a majority of the whole Parliament, and Colonel Goffe cleared the House of those who yet continued to sit. At first, Cromwell affected a disinclination to undertake the responsibility, but he soon relented, and, in conjunction with the Council of Officers, drew up a plan of a new constitution, which was termed the Instrument of Government. By this deed—which was published at Westminster Hall on the 16th of December, only three days after the resignation of the Barebones Parliament—it was declared that the sovereign power of the state should be invested in an individual and an elective assembly. The Parliament was to meet regularly every three years; and if the Protector deferred to summon it, the Keeper of the Great Seal was to do so, and if he should neglect it the Sheriffs of the counties were to convoke the House, on pain of high treason. The Parliament so convoked was not to be prorogued or dissolved within five months of its meeting without its own consent, although one convened for any special occasion might be prorogued or dissolved at the expiration of three months. The House to consist of 400 members for England, elected by the larger boroughs, which were permitted to exercise their ancient rights of election, and by the wealthy inhabitants of the counties, who possessed £200, either in lands or personal property; thirty members for Scotland, and the like number for Ireland; so that the new Parliament consisted of 460 members, chosen after the ancient mode of election. “In constituting this

body," says Macaulay,* "the Protector showed a wisdom and a public spirit which were not duly appreciated by his contemporaries. The vices of the old representative system, though by no means so serious as they afterwards became, had already been remarked by far-sighted men. Cromwell reformed that system on the same principles on which Mr. Pitt, a hundred and thirty years later, attempted to reform it, and on which it was at length reformed in our own times. Small boroughs were disfranchised even more unsparingly than in 1832; and the number of county members was greatly increased. Very few unrepresented towns had yet grown into importance. Of those towns the most considerable were Manchester, Leeds, and Halifax. Representatives were given to all three. An addition was made to the number of the members for the capital. The elective franchise was placed on such a footing that every man of substance, whether possessed of freehold estate in land or not, had a vote for the county in which he resided." The army was not to exceed 30,000 men, of whom one-third were to be cavalry. The ministers were to be amenable to Parliament; and the nomination of a new Protector, whenever the office should fall vacant, was to be left to the Council of State, which was not to consist of fewer than thirteen, nor more than twenty-one members. The executive to belong to the Protector alone, acting with the advice of his council, who was also to have the supreme command of the army and navy; the appointment of the chief officers of state, subject to the approval of Parliament; and the power of making peace and war, with the consent of his council: but no *veto* on acts of Parliament, which were to become law after twenty days, by the authority of the Commons alone. It was further provided, that no laws should be promulgated, no taxes or tallages imposed, but by common consent in Parliament, that all who professed the Christian religion should be protected in their life and property, except only Prelatists, Papists, and such as taught licentiousness.

Such was the form of administration which Cromwell designed for the future government of the nation, and, if he had been able to carry out his views, there can be little doubt but that his reign would have been one of the most glorious and brilliant in history, but he was surrounded by many and powerful enemies. He wanted that stability which hereditary succession and long-established custom gives to a legitimate sovereign; and as his power was originally founded on the sword, it could only be maintained by a large standing army, however reluctant the Protector himself may have been to make use of such a means; in fact, he was the head, and therefore, to some extent, the slave of a faction,

* Macaulay, Hist. Eng. i. p. 134.

which, although powerful, by no means comprehended the majority of the people. The Royalists, the Presbyterians, the Catholics, the Commonwealth men, and the sectaries, were all arrayed against him, and it was only by keeping each in check of the other that he was able for a moment to maintain his power. "The Government," says Lord Brougham,* "was now a military despotism, and it is certain that nothing but Cromwell's brilliant success in all his foreign expeditions, and the dread of the Stuart family being restored, could have maintained him on his usurped throne." These considerations make us judge more leniently of Cromwell's character, and pass over many acts of tyranny and oppression, which, under an hereditary prince, would deserve our utmost condemnation.

1654.]—The first measures of the new Government, as we have seen, were directed to the formation of an executive power independent of the legislative, so that the great principle of division of power was restored. During the interval which elapsed from the proclamation of the Instrument of Government to the assembling of Parliament the chief authority was exercised by Cromwell and the Council of Officers, who issued several new ordinances, and invested them with the force of law, but the general peace of the country remained undisturbed. One peculiar feature more especially distinguished the new administration—the treatment of Great Britain as a single state, as it already formed a single island. The incorporation of Scotland with England had indeed been contemplated as far back as the time of Edward I., but there were so many difficulties to encounter that each successive generation had abandoned the project in despair; the Commonwealth, however, accomplished that which England's greatest kings had often attempted but in vain. On the 13th of April, 1652, on the report of Whitelock, in the name of the Council of State, a bill was brought forward to decree the abolition of royalty in Scotland, and the union of the two countries under the sole authority of the Parliament, into whose body a certain number of Scottish representatives were to be admitted, and who now for the first time met in London, with the English representatives, under the new Protector.

The courts of Europe did not hesitate to acknowledge Cromwell as the declared ruler of England. France and Spain, which were then at enmity, sent ambassadors to congratulate him on his accession to power, and to request his alliance and aid. The emperor of Germany soon followed their example; and the apartments of Whitehall became, though not a brilliant and fashionable, yet an elegant and refined court, enlightened by

* Brougham, British Const. chap. vi. p. 92.

the presence of many men of learning and genius, and enlivened by a young and rising family, which shed around an air of cheerfulness, combined with great purity of manners, comparing advantageously with the dissipated court of the banished monarch. Nor was Cromwell, notwithstanding his avowed predilection for puritanism, indifferent to the rules of etiquette. When Louis XIV. addressed him "*Mon cousin*," he expressed himself insulted, and demanded to be styled "*Mon frère*," after the fashion of the ancient kings of England; but the French king apologised, saying that although he considered him equal in every other respect, yet, as he had not assumed the title of King, he could not expect the same personal deference; the terms of relationship were therefore abandoned, and the form, "*Monsieur le Protecteur*," adopted instead. Yet Cromwell was frequently heard to declare, that if it were in his power to choose, he would prefer a shepherd's crook to all worldly glory.

The war with the Dutch, which had been carried on with such vigour under the Commonwealth, was sustained with equal energy under the Protector; but a change took place in the command of the fleet, for Cromwell, knowing that Blake, who was a staunch republican, was opposed to the changes which had recently taken place in the Government, thought it advisable to send Monk to supersede him. The valiant admiral, however, who had ever the interest of his country solely at heart, did not resign his commission, but consented to serve under the new commander. The two admirals encountered the Dutch fleet, consisting of one hundred sail, off the North Foreland, and fought for two days and a night; at length the Dutch gave way, and though Tromp fired on his own ships as they fled, they refused to rally. The loss of the Dutch was twenty-one ships; that of the English, one. The States were now very urgent for the conclusion of peace; but Cromwell still persisted in his desire to see the two first naval powers and republics in the world united under a common government, to be carried on by persons of both nations: terms could not, therefore, be agreed upon, and both sides prepared to continue the struggle. A second battle was fought off the Texel, in which Van Tromp ended his glorious career; and the Protector, weary of the war, consented to relinquish his lofty pretensions if the Dutch would agree to salute the flag of the Commonwealth as they had been wont to do that of the king, would consent to the banishment of all English refugees, amongst whom were the royal family, and engage never to elect the Prince of Orange for their stadtholder, or give him the command of the army and navy. These terms were ratified by the Treaty of Westminster, which was exchanged on the

5th April, 1654, and which further provided for the compensation of the English East India Company and the heirs of the sufferers of the massacre of Amboyna. Commercial treaties were also entered into with Denmark and Sweden, by which the English merchants were secured the same privileges as the Dutch.

These glorious victories gained for England the supremacy of the seas, whereas previously her navy had been inferior, both in reputation and ability, to that of the United Provinces, which had been formed for nearly a century, by commercial enterprise with distant lands, by the conquest and administration of remote possessions in America and the Indies, and in difficult and dangerous fisheries; its sailors were numerous and practised; its admirals had begun to introduce into the command of great fleets the art of executing scientific and connected manœuvres, which was almost unknown, at that period, to the best English seamen; but all these advantages were more than counterbalanced by the hardy bravery and indomitable zeal of the English republicans, who, inspired by the new energies of freedom, fought under the immediate influence of the most energetic of human passions—patriotism, ambition, and rivalry; commanded not, indeed, by admirals taught in the school of Van Tromp and De Ruyter, but by old captains of the Commonwealth, whose back no enemy had ever seen. Placed under the conduct of such generals, and supported by a country far more populous and wealthy than the United Provinces, it was impossible but that the English navy should finally overcome every obstacle, and the memory of the triumphs which it then achieved was remembered with gratitude through many an adverse year, till at length the return of freedom, under William III., again restored the terror of the English name.

On the 4th of September, 1654, the Protector opened his first Parliament, which had been freely elected, with the pleasing intelligence of universal peace and a considerable extension of our commercial relations with foreign states. No expression of the national voice had been heard since the assembling of the Long Parliament, and every eye was turned to see what course the representatives of the nation would pursue. Although great efforts had been made to influence the elections, and few of the members had been in Parliament before, they nevertheless acted with a decision and independence which showed that, although the nation might have been compelled to submit to a military force, it had not lost its ancient spirit of liberty. On the first division, the Government was in a minority, and, notwithstanding the expressed wish of the Protector, they proceeded to debate the question, whether the Government should remain in the hands of

a single individual or be conducted by a succession of parliaments; but Cromwell, with his usual adroitness, closed the doors, and cited the members to appear before him in the Painted Chamber. He there showed them how the Long Parliament had brought on its own dissolution by its despotism, the Little Parliament by its imbecility, and gave them to understand, once for all, that they were to refrain from such inquiries; that Providence and the people had called him to his post; they alone, therefore, had the right to remove him, though so far as he was personally concerned, he would prefer living as a plain country gentleman. "You must understand," said he, "that there are four fundamental points defined by the Instrument of Government, by virtue of which you are now assembled: first, that the supreme Government should be vested in one individual and a Parliament; secondly, that the Parliament should not be made perpetual; thirdly, that the militia should not be intrusted to any one hand or power, but be so disposed that the Parliament should have a check upon the Protector, and the Protector on the Parliament; and, fourthly, that in matters of religion there should be liberty of conscience, so that it degenerate not into impiety or persecution. On all other points," said he, "you may depend on my ready concurrence, but these four fundamental points cannot be altered or discussed without bringing into question the authority by which the present Government was formed."

1655.]—The better to secure the silence of the Parliament on this head, he caused a test or recognition to be signed by all before entering the House, expressive of their acceptance of the present form of Government. About 300 members subscribed the test, the remaining 150 were excluded, and thus Cromwell freed himself from the most violent of the opposition; but still the Commons did not act with that courtesy and deference he had hoped, and, after obtaining the grant of a supply, he dissolved the Parliament (Jan. 31, 1655) at the earliest moment permitted by law, before it had passed a single act.

"It was the evident wish of the Protector," says Macaulay,* "to govern constitutionally, and to substitute the empire of the laws for that of the sword. But he soon found, that, hated as he was both by Royalists and Presbyterians, he could be safe only by being absolute." The great families of England, who exercised too powerful an influence over the public mind, were deprived of their offices of honour and trust, and were subjected to the most ignominious insults; the Anglican clergy were prohibited from preaching in public, or even acting as tutors; the Catholic priests were expelled the realm, under pain of death; and those

* Macaulay, *Hist. Eng.* i. p. 185.

who had served in the royal army were prohibited from coming within twenty miles of the city. These rigorous acts were followed by a large confiscation of landed property; and those Malignants (as the Royalists were called) who were permitted to retain their estates were subjected to a fine of £10 per cent., to compensate, as Cromwell asserted, for the expenses incurred in guarding against their malicious designs. To collect this tax, and to enforce obedience to his arbitrary commands, Cromwell divided the country into twelve military districts, which were presided over by as many major-generals, who exercised their power with a severity and rigour never before experienced. Troops were levied without consent of Parliament, new taxes imposed, ministers and schoolmasters peremptorily banished, and all persons obnoxious to the military governors imprisoned as malignants; in fact, the Government of England was a despotism, mitigated only by the wisdom and moderation of the despot.

But Cromwell's Government had its bright parts as well as its faults—it was vigorous and spirited. While the army kept the people in subjection at home, the navy won immortal renown abroad: the most powerful monarchs of Europe trembled at the name of the Protector. At his bidding Holland and France expelled from their territories the English Royalists who had taken refuge under their flags. The Duke of Tuscany was enforced to pay £60,000 for damage done to English commerce, the Deys of Algiers and Tunis were taught to respect the English flag, the Court of Spain conceded the trade of the West Indies, and the Duke of Savoy desisted from the persecution of the Waldenses. "All the Reformed churches scattered over Roman Catholic kingdoms acknowledged Cromwell as their guardian. The Huguenots of Languedoc, the shepherds, who, in the hamlets of the Alps, professed a Protestantism older than that of Augsburg, were secured from oppression by the mere terror of his great name. The Pope himself was forced to preach humanity and moderation to Popish princes. For a voice which seldom threatened in vain had declared that, unless favour were shown to the people of God, the English guns should be heard in the castle of St. Angelo. In truth, there was nothing which Cromwell had, for his own sake and that of his family, so much reason to desire as a general religious war in Europe. In such a war he must have been the captain of the Protestant armies. The heart of England would have been with him. His victories would have been hailed with an unanimous enthusiasm unknown in the country since the rout of the Armada, and would have effaced the stain which one act, condemned by the general voice of the nation, has left on his splendid fame. Unhappily for him, he had no opportunity of

displaying his admirable military talents, except against the inhabitants of the British isles."*

The subordination of the army, too, was maintained with a vigour and severity which, in a great measure, secured the nation from the evils ordinarily attendant on a large standing force; but the main security against brute violence was the remarkable spiritual temper of the army, the sincerity of which was evidenced by an extraordinary degree of moral rectitude. This was also the leading feature of the court of the Protector. The greatest decorum and propriety prevailed there, to which the dissolute life of the exiled King formed a notorious contrast.

After having been expelled from France, Charles had taken up his residence at Cologne, and although his immediate wants were supplied by the pension which he still continued to receive from the French court, yet he was often in need; his court was alternately the scene of extravagance and penury. Those who surrounded him were pensioners on foreign courts, or the descendants of English cavaliers whose estates had been confiscated by the Parliament. For a long time Charles had sought, but in vain, to enlist the sympathies of foreign governments in his cause. All that he could obtain, however, was an acknowledgment of his title, till at length Spain, affronted by the interference of the Protector in the affairs of Italy, and jealous of the trade carried on by the English merchants with the West Indies, promised to lend him her material support in any attempt he might make to recover his crown, and committed several acts of aggression against English subjects; these were resented by the Commonwealth, which was ever sensitive to the national honour, and in a short time war commenced in earnest. Blake captured several galleons, richly laden with treasure, and took possession of the island of Jamaica in the name of the English Commonwealth.

1656.]—But the want of supplies rendered it necessary that Cromwell should assemble a Parliament; for though the people submitted to illegal impositions on extraordinary emergencies, the Protector knew that it was hopeless to think of maintaining a long and expensive war without the direct sanction of the nation. Writs were accordingly issued for a new election, and notwithstanding the exertions of the authorities, a Parliament was returned (Sept. 17, 1656) by no means subservient to the Protector's wishes. He therefore resorted to the expedient of placing a military guard at the door of the House, and ordered the returns to be examined by the Council, thus excluding about 100 members, amongst whom were Haselrig, Scot, and other statesmen of

* Macaulay, i. p. 138.

great eminence. Although not permitted to take their seats in Parliament, these zealous supporters of the Commonwealth did not cease to write and speak against the infringements of the people's liberties, and even told Cromwell to his face that his power was illegal, and that so much blood had not been spilt in order that all the abuses of power might be restored. The majority in the House, however, decided in favour of his late proceedings, and voted £400,000 for carrying on the war with Spain, but no decision was come to as to the means of raising it. An act was passed making it treasonable to attempt the life of the Protector, and declaring the pretended title of the Stuarts to be void.

1657.]—Cromwell thought this the opportune moment for urging the great object of his ambition, the settlement of sovereign authority in his family, and confided his sentiments on this subject to his great friend Whitelock; but the staunch republican saw matters in a different light. "As to your own person," said he,* "the title of King would be of no advantage, because you have the full kingly power in you already, concerning the militia, as you are general. As to the nomination of civil officers, those whom you think fittest are seldom refused; and although you have no negative voice in the passing of laws, yet what you dislike will not easily be carried; and the taxes are already settled, and in your power to dispose the money raised. As to foreign affairs, though the ceremonial application be to the Parliament, yet the expectation of good or bad success is from your Excellency; and particular solicitations of foreign ministers are made to you only: so that I apprehend, indeed, less envy and danger and pomp, but not less power and real opportunities of doing good, in your being general than would be if you had assumed the title of King." These arguments did not satisfy Cromwell; he urged the superior sanction which the title of King gave to every act of Government. "I have heard," he said, "some learned men of your profession declare that whatever was done under a King *de facto* was lawful and justifiable, as by any King who hath the crown by inheritance from his forefathers; and that, by an Act of Parliament in Henry VIII.'s time, it is safer for those who act under a King, be his title what it will, than for those who act under any other power: and surely the power of a King is so great and high, and so universally understood and revered by the people of this nation, that the title of it might not only indemnify, in a great measure, those that act under it, but likewise be of great use and advantage in such times as these to curb the insolence of those whom the present powers

* Whitelock Memorials, Anno 1652-3.

cannot control." These sentiments were not confined to Cromwell; they were partaken of by the more moderate Royalists and the greater part of the Presbyterians, and were staunchly supported in the present Parliament, which carried (May 8, 1657) a proposal for a change in the Government, under the title of "The Humble Petition and Advice," by a large majority. "The peers, too," says Macaulay,* "who now remained sullenly at their country houses, and refused to take any part in public affairs, would, when summoned to their House by the writ of a King in possession, gladly resume their ancient functions. Northumberland and Bedford, Manchester and Pembroke, would be proud to bear the crown and the spurs, the sceptre and the globe, before the restorer of aristocracy. A sentiment of loyalty would gradually bind the people to the new dynasty, and on the decease of the founder of that dynasty, the royal dignity might descend, with general acquiescence, to his posterity." But the feeling of the army was vehemently opposed to any such compromise. The name of King was hateful to the soldiers, and when the vote was proposed inviting the Protector to assume the title and dignity of King, a general cry of dismay was heard throughout the land; both officers and soldiers held crowded meetings, and drew up a remonstrance, which was presented to Parliament on the very day (May 8, 1657) on which the great question was to be finally decided. Even Lambert, the second in command, Desborough, the Protector's brother-in-law, and Fleetwood, his son-in-law, demanded their discharge. It was to no purpose that the Protector entered on the subject in familiar conversation with his officers, as was his custom—that he treated their dislike of the royal title as a childish folly, of which grown-up people ought to be ashamed. He had now to consider whether he should sacrifice an army, which looked on him as the support of the good cause, for an uncertain result.† He thought it wisest to desist, and returned answer to the Parliament that he could not accept the royal title. They then confirmed to him the power of appointing his successor and the nomination of sixty-one persons who were to form the "other House," as it was termed, the Commons reserving to themselves the precedence.

On the 26th June, a magnificent ceremony was got up in Westminster Hall to inaugurate the Protector in his new office. The French and Dutch ambassadors supported him on either hand, and the Speaker of the House of Commons arrayed him in a purple mantle lined with ermine, the Lord Mayor and the Earl of Warwick presented to him the sword of state, and he

* Hist. Eng. i. p. 133.

† Dahlmann, Hist. Eng. Rev. chap. v. p. 225.

took the oath to maintain the laws and liberties of the realm. The heralds then proclaimed him by the title of Protector of the Commonwealth of England, to which the people responded, and the Parliament then adjourned for six months, to allow time for the formation of the other House. "It has sometimes been considered," says Lord Brougham,* "by historians that the first form of government under the Protector, that of the Instrument, was republican, and the second, under the Petition and Advice, was monarchical; and Mr. Hallam is of this opinion. But, except in the power of naming his successor, and the institution of the Upper House, the first was really as monarchical as the second."

1658.]—In the spring of the next year (Jan. 20, 1658), the Parliament again assembled, and the Protector opened the session with a lengthy speech, in which he addressed the Houses after the ancient style, "My lords and gentlemen of the House of Commons," but these words had lost their original significance. The Upper House, consisting of sixty persons, was but a farce; for, though many of its members were men of respectability and wealth, they were not of the ancient families of England, and possessed no weight in the country. "It was to no purpose," says Macaulay,† "that the Protector offered to the chiefs of illustrious families seats in the new senate. They conceived that they could not accept a nomination to an upstart assembly without renouncing their birthright and betraying their order." Only half-a-dozen of the old peers accepted the invitation, and the remaining number was made up by Richard and Henry Cromwell, a few lawyers and several chiefs of the army. This was the least happy of Cromwell's contrivances, and displeased all parties. The Levellers were angry with him for instituting a privileged class. The multitude, which felt respect and fondness for the great historical names of the land, laughed without restraint at a House of Lords in which lucky draymen and shoemakers were seated, to which few of the old nobles were invited, and from which almost all those old nobles who were invited, turned disdainfully away. Nor was he more fortunate in the choice of a Lower House; the Commons, availing themselves of the power which had been confirmed to them by the Petition and Advice, of deciding on the qualification of members, admitted those who had been excluded by Cromwell on the first opening of Parliament in 1654. Amongst these members were men of extraordinary talents, and devoted heart and soul to the Commonwealth. Haselrig, who had refused a

* Brougham, *British Const.* chap. vi. p. 92.

† *Hist. Eng.* i. p. 135.

peerage with a seat in the second House, led the opposition. A powerful party was organised against the Government, and a bill was on the point of being carried to annul the authority of the "other House." Cromwell had no alternative but to dissolve the Parliament. On the 4th of February, he went down, attended by six of his guards, and, entering the House, reproached the Commons with thwarting instead of aiding him, while his enemies were ever active to overthrow the Government : he then exclaimed, "I do dissolve this Parliament, and let God judge between me and you." Several voices reiterated, "Amen, Amen," and thus, after a short session of fourteen days, the Parliament broke up, without even voting the supplies, of which Cromwell stood in so great need.

But the constitution of Oliver's Parliament was practically of little moment, for he possessed the means of conducting the administration without their support, and in defiance to their opposition. At the very time when he was refused supplies for carrying on the war, one of his admirals, Captain Stayner, captured, in the port of Cadiz, the Peruvian fleet, having on board treasure to the value of £2,000,000 sterling, a sum almost incredible in those days, and thus all the necessities of Government were amply provided for, at least for the present. But this victory was thrown into the shade in brilliancy by one which was gained, a few days after, by admiral Blake, over the Mexican fleet, which he espied entering the harbour of Santa Cruz in Teneriffe; the English admiral gave chase, and pursued them into the harbour, notwithstanding the batteries, which opened a raking fire, and, having silenced the guns, sank the fleet of seventeen vessels, which lay closely moored by the shore. This action was one of the most brilliant recorded in the annals of naval warfare, and added greatly to the honour of the English arms, as it dispelled the popular prejudice that ships could never contend successfully with batteries on shore. The victories on land, though less glorious, were not less effective: Dunkirk was taken by the combined English and French forces, and delivered over to the English by Louis XIV. in person. Thus, although some may blame the domestic policy of Cromwell, none can deny to him the honour of having exalted the greatness of the English name, and rendered the nation one of the most influential in Europe.

At the very time when, to most casual observers, the power of Cromwell appeared at its zenith, the symptoms of its decline first began to manifest themselves, nor did this change escape the far-searching eye of that extraordinary genius: conspiracies, Cromwell knew, might be punished, and rebellion suppressed, but war against principles has ever been difficult, and, in his

case especially, hazardous. Notwithstanding all the precautions he had taken, it was evident that a spirit of discontent was spreading throughout the nation, which, in a short time, would bring on a reaction, no less formidable than the torrent which had swept monarchy away. The republican party, so long the ardent supporters of the Commonwealth, had begun to see that, if its schemes of self-government were unattainable, the share of liberty enjoyed under a constitutional monarchy was far preferable to the absolute rule of one man, and, although differing in every other point from the royalists, coincided in this, opposition to the existing Government. Sir Harry Vane, Ludlow, Harrison, and many others were committed to prison for writing against the usurpation of Cromwell, and numerous conspiracies were formed by the Royalists to take away the life of the Protector. The Sealed Knot, as it was called, was at this time discovered, and made a deep impression on Cromwell's mind; and a pamphlet by Captain Titus, entitled "Killing no Murder," is said to have bowed him to the ground. He had boldly faced the battle-field and defied the power of all the tyrants of Europe, but his stubborn soul misgave him before the conviction that he was surrounded on every side by the dagger of the assassin or the secret plots of conspirators. His health declined; he became cautious and suspicious; he never went abroad without being attended by his body-guard, wore armour constantly beneath his clothes, and seldom slept two days consecutively in the same chamber; indeed, so uneasy did his mind become, that he frequently used to inspect the watch of the palace himself, and give the pass-word. These fears were heightened on the death of his favourite daughter, Elizabeth, who had married Lieutenant Claypole, and for whom he entertained the strongest affection. His ordinary malady, the gout, was aggravated by an attack of the tertian ague, which brought his long and glorious career to a close, September 3, 1658, the anniversary of the two great battles of Dunbar and Worcester.

"It has often been affirmed," says Macaulay, "but apparently with little reason, that Oliver died at a time fortunate for his renown, and that, if his life had been prolonged, it would probably have closed amidst disgraces and disasters. It is certain that he was, to the last, honoured by his soldiers, obeyed by the whole population of the British islands, and dreaded by all foreign powers; that he was laid among the ancient sovereigns of England, with funeral pomp such as London had never before seen; and that he was succeeded by his son, Richard, as quietly as any king had ever been succeeded by any Prince of Wales."*

* Macaulay, *Hist. Eng.* i. p. 139.

To give a just review of the character of Cromwell would be a work which no historian has accomplished, and but few attempted; there are, however, some leading features in his life which may enable us to form an estimate of the motives of his conduct. He was certainly a religious man, although his strong puritanical convictions frequently led him to the verge of hypocrisy or blasphemy. This strong religious element in his character was the great secret of his elevation; he exercised a power over the minds of his soldiers which no other general could attain: his men believed that they were fighting in the cause of God as well as of liberty, and that God would never permit the good cause to be overthrown; they therefore fought with the confidence of inspired men, and whenever they made the onset the enemy gave way. This caused Fairfax to write to the Long Parliament, when the self-denying ordinance had precluded all members of the House from holding military commands, that he could not do without the services of Cromwell, and a special dispensation was granted in his favour. He was brave and clear-sighted, but by no means brilliant in military stratagems; the success of his campaigns mainly depended upon the discipline and religious ardour of his troops. In politics, his great ability lay in discerning the character of men, and turning their weaknesses and their prejudices to his own aggrandisement. As a ruler he was wise and politic, he held the balance evenly and steadily; he gave to no sect the preponderance of state favour; but few loved his Government; it was an object of mingled aversion, admiration, and dread to his subjects. "But those who hated it most, hated it less than they feared it. Had it been a worse Government, it would certainly have been overthrown, in spite of all its merits. But it had moderation enough to abstain from those oppressions which drive men mad; and it had a force and energy which none but men driven mad by oppression would venture to encounter." In his foreign policy he was eminently successful. He augmented the naval glory of England, and made her name formidable to all the legitimate sovereigns, to whom his birth was a subject of derision. "The smile," says Earl Russell,* "on their faces was checked by the terror in their hearts." He made use of this wholesome intimidation to secure the liberty of foreign Protestants; and before he died he perceived the danger to Europe from the growth of the French power, which he thenceforth determined to restrain. In his domestic relations of life, the character of Cromwell was every way estimable; he was a sincere friend

* Essay on the Causes of the French Revolution, published 1832, anonymously.

and a placable enemy. He loved justice, and delighted not in blood : and although ambition at times led him to pass the bounds of moderation, yet few will accuse him of wanton cruelty ; in the overthrow of the Commonwealth, he found himself supported by the majority of the nation ; and even in the case of the King, it is doubtful whether he did not consider himself justified both by reason and revelation ; certainly some allowance ought to be made for the rude barbarism of these times and the feverish excitement of religious fanaticism.

Such, however, is not the view which is ordinarily taken of his conduct by Republican and *Tory* writers, who behold in him a usurper and betrayer of his country's interests. If, say they, it was requisite to overthrow the power of the King, on account of his infringement of the people's liberties, much more incumbent was it on Cromwell not to have usurped an authority which never belonged to him, and which reduced the nation to a state of vassalage to which it had never before been subjected. But moderate men, taking all circumstances into consideration, behold in him as fit a governor as England could well have had at that time. "Political power," says Lord Russell,* "is generally speaking a matter of permission ; and so long as a nation is tranquil, easy, and obedient, it is impossible to say that the power which rules it is not, *de jure* as well as *de facto*, a legitimate government. Restore to the people their sovereignty ; they will instantly delegate it afresh ; and there are times when a nation is more faithfully represented by the sword of Cæsar than by the senate of Cato."

* English Government and Constitution, p. 80.

CHAPTER XXIV.

THE COMMONWEALTH RESTORED. SEPTEMBER, 1658—
MAY, 1660.

• CONTEMPORARY SOVEREIGNS.

France—LOUIS XIV., 1643-1715. *Germany*—LEOPOLD I., 1658-1705.
Spain—PHILIP IV., 1621-1665. *Pope*—ALEXANDER VII., 1655-1667.

1658—Position of parties on the death of Cromwell—Incapacity of Richard.

1659—His authority acknowledged by the Parliament—Return to the ancient mode of election—Opposition of the Republicans and Royalists—Remonstrance of the army—Dissolution of the Parliament—Republican sentiments of the army—Restoration of the Long Parliament—Revival of the dispute between the Parliament and the army—Supremacy of the Parliament and deposition of Richard—Differences in the army—Deposition and restoration of the Rump Parliament—Danger of a military tyranny.

1660—Coalition of the Cavaliers and Presbyterians to effect the Restoration—Divisions in the army—Dangers of a civil war—Character of Monk—The Scottish army marches into England—Preparations for the Restoration—Monk sent against the city—Declaration of a free Parliament—Return of the secluded members—Election for the Convention Parliament—Declaration of Breda—Part taken by Monk in the Restoration—Deputation sent to invite Charles II. to return—Debate as to the re-adjustment of the constitution—Unconditional Restoration—Danger of a military revolution—Escape of Lambert from the tower.

1658.]—The vigorous Government of Cromwell had so effectually suppressed every symptom of disaffection that, when his death took place, not a murmur was heard. Each party stood in mute astonishment, contemplating with serious apprehension the prospect of the future. There were, at this time, three great parties in the nation—the supporters of the existing form of Government, the Royalists, and the Republicans; of these the latter were numerically the fewest, but there were amongst them men of great talents and energy: the Royalists, on the other hand, were the most numerous and wealthiest, but were by far less influential, owing to their late reverses. In this state of things, the supreme dignity passed without much opposition to Richard Cromwell,*

* Richard Cromwell was born in 1626 at Huntingdon, and was entered at Lincoln's Inn. He married Dorothy, daughter of Mr. Major, of Hursley, in Hampshire, and, under the Protectorate of his father, Oliver,

the eldest son of the late Protector, who was immediately proclaimed by the council (Sept. 3, 1658). He was in every respect the opposite of his father; amiable and generous in disposition, he possessed neither the energy nor ability to make himself feared by the officers or respected by the Parliament. Brought up to the study of the law, he knew little of military affairs, and the superior officers, amongst whom was Fleetwood, his own brother-in-law, raised cabals against him; they asserted that the command of the army, which had founded the constitution, ought not to remain in the hands of a lawyer, who understood nothing of the choice of officers, and that the nomination of a successor rested not in the Protector, but in the Parliament. The council, however, supported the authority of Richard, and the armies of Ireland and Scotland, which were commanded by Henry Cromwell and General Monk, proclaimed the Protector in both those kingdoms. Under these circumstances, Richard prudently resolved at once to summon a Parliament, and, by the advice of Whitelock, writs were issued after the old fashion: the small boroughs, which had recently been disfranchised, were restored; Manchester, Leeds, and Halifax, ceased to return members, and the county of York was again limited to two knights. "It may seem strange," says Macaulay,* "to a generation which has been excited almost to madness by the question of parliamentary reform, that great shires and towns should have submitted with patience, and even with complacency, to this change; but though reflecting men could, even in that age, discern the vices of the old representative system, and foresee that those vices would, sooner or later, produce serious practical evil, the practical evil had not yet been much felt. Oliver's representative system, on the other hand, though constructed on the soundest principles, was not popular. Both the events in which it originated and the effects which it had produced prejudiced men against it. It had sprung from military violence. It had been fruitful of nothing but disputes. The whole nation was sick of government by the sword, and pined for government by the law. The restoration, therefore, even of anomalies and abuses which were in strict conformity with the law, and which had been destroyed by

was made first lord of trade and navigation, and subsequently Chancellor of Oxford. On the death of Oliver he was proclaimed Lord Protector, Sept. 3, 1658, but, after a tenure of office of only eight months, signed his demission. At the Restoration Prynne desires his execution as a regicide, but he is suffered to escape to the Continent, where he resides sometimes at Geneva and sometimes at Paris for the space of twenty years, when he ventured to return to England under a feigned name, and fixed his residence at Cheshunt, near London.

* Hist. Eng. i. p. 140.

the sword, gave general satisfaction." But although the Protectorists, or adherents of the Petition and Advice, formed a respectable majority in the new Parliament, yet both the other parties were ably represented. Under Haselrig, Vane, Ludlow, Lambert, and Scot, the Republicans maintained a spirited opposition; while the Royalists, secretly instructed by Hyde, alternately sided with either party, in order to perplex the Government. After some preliminary discussion, the debate turned on the two great questions, whether they (the Commons) would recognise the new Protector, and secondly, whether they would acknowledge the authority of the "other House." The first was carried with great difficulty, seeing that his claim rested on the "Humble Petition and Advice," which had been passed in a House from which a hundred members were unlawfully excluded; and the second not without considerable modification. The Commons refused to grant a *veto* on their proceedings, and only consented to transact business with the Peers so far as their opinions coincided with their own, without prejudicing the decision of any future Parliament.

1659.]—While the Commons were thus endeavouring to abridge the authority of the other two powers in the state, the Council of Officers, who held the actual power in their hands, became every day less manageable: they refused to tolerate any interference in their internal discipline, and claimed the right of electing officers; but the Parliament resolved not to concede to force what they could not grant with safety to the Commonwealth, and determined on the remodelling of the army; the officers instantly took alarm, demanded permission to hold a general council, which was conceded by the Protector, and presented a petition, praying that the chief command of the army, with the disposal of commissions, should be intrusted to some one in whom they all could confide, and that every officer should be required to take an oath approving of all that had been done by the army since the execution of Charles I. The Commons took no notice of this remonstrance, and proceeded with their bill for the remodelling of the army. On the 18th of April (1659), it was voted that the officers should no more meet in general council; and on the 21st, that the government of the army should be under the immediate control of the Protector. The officers, seeing that their authority would be overthrown if this law should come into operation, immediately summoned a rendezvous of the whole army at St. James's; the Protector summoned a counter one at Whitehall, but no one attended the latter, and at noon Desborough was deputed, from the meeting at St. James's, to inform the Protector that, if he wished to retain his power, he

must dissolve the Parliament without delay, otherwise the army would do so without consulting him. Richard had the weakness to comply with their demands, and he dismissed that assembly (April 22) which was the sole support of his pitiable authority. For a month Richard continued to enjoy the revenue attached to his dignity, and resided in the apartments at Whitehall; but no one regarded his orders, and those whom he had appointed to offices were displaced.

The actual government was now in the hands of Fleetwood and the Council of Officers; but the feeling of the army was still strongly republican, and the provisional government, therefore, saw that it would be impossible to maintain its authority without at least the semblance of a popular assembly. It therefore recalled the Long Parliament (May 7), which had voted for the execution of Charles I., but only those members who had sat in the Rump Parliament of 1648 were permitted to enter, the secluded members, as they were called, including Prynne, Booth, and Annesley, being stopped by the soldiers who lined the hall.

The Rump soon forgot that it owed its existence to the pleasure of the soldiers, and began to treat them as subjects; the demands sent in by the assembly of officers at Wollingford House was ignored, and a bill was passed vesting the appointment of officers in the Speaker of the House of Commons, and appointing Fleetwood commander-in-chief, but with such restrictions, "that," as Ludlow expressed it, "no man in future might have an opportunity to pack an army to serve his ambition." They then abolished the office of Protector, and required Richard Cromwell to sign his abdication, which he accordingly did, and shortly after quitted the royal palaces.

The office of Protector and the Upper House having been abolished by proclamation, the Parliament declared themselves the supreme power in the state, and required the officers to hold their commissions under them; at first Fleetwood and Lambert demurred, but the sentiments of the soldiers being evidently in favour of the Parliament, they at length submitted, and consented to receive their commissions from the Speaker. This arrangement was of short duration, for Fleetwood, who was endeavouring to tread in the footsteps of Cromwell, but with inferior abilities, soon found means to induce the army to present a petition, demanding that no officer should be deprived of his commission, except by sentence of a court-martial, and that those who calumniated their servants to the House should be brought to justice. The Parliament, as usual, returned thanks for their advice, but shortly afterwards introduced a bill, cashiering Lambert, Desborough, and other officers, which brought on an

immediate revolution. Lambert mustered his men, and the Rump was again excluded (Oct. 13). The Council of Officers now took upon themselves, for the second time, the preservation of the public peace; Fleetwood was proclaimed commander-in-chief, Lambert major-general, and a committee of safety was appointed: their authority, however, was not acknowledged by the citizens of London, nor by the regiments under the command of Haselrig, Morley, and Moss. News soon arrived that the armies in Scotland and Ireland had declared for the Parliament, on which Desborough fled, Fleetwood resigned his commission, and the soldiers, thinking themselves betrayed by their commanders, immediately abandoned their officers, and proceeded to Lenthall's house, in Chancery Lane, where they saluted him as general, and accompanied the members in procession to Whitehall. Thus, for the third and last time, the Long Parliament assembled (Dec. 26) under very different auspices from those which had brought it into being; but the anxieties of the nation were by no means allayed; the Rump, as this mock Parliament was called, only held the Government through the disagreement of its enemies, and every one perceived that some great change was imminent. "It seemed but too likely that England would fall under the most odious and degrading of all kinds of government, under a government uniting all the evils of despotism to all the evils of anarchy. Anything was preferable to the yoke of a succession of incapable and inglorious tyrants, raised to power, like the deys of Barbary, by military revolutions recurring at short intervals. Lambert seemed likely to be the first of these rulers; but, within a year, Lambert might give place to Desborough, and Desborough to Harrison. As often as the truncheon was transferred from one feeble hand to another, the nation would be pillaged for the purpose of bestowing a fresh donative on the troops."*

1660.]—These well-grounded fears effected what no other consideration had been able to accomplish—the coalition of the two great parties in the state, Cavaliers and Presbyterians; for however they might differ on points of religion and politics, they were agreed on the necessity of saving the nation from a military tyranny. "One choice," says Macaulay, "only was left, the Stuarts or the army. The banished family had committed great faults; but it had dearly expiated those faults, and had undergone a long, and, it might be hoped, a salutary training in the school of adversity. It was probable that Charles the Second would take warning by the fate of Charles the First. But be this as it might, the dangers which threatened the country were

* Macaulay, *Hist. Eng.* i. p. 143.

such that, in order to avert them, some opinions might well be compromised, and some risks might well be incurred. If the Presbyterians obstinately stood aloof from the Royalists, the state was lost; and men might well doubt whether, by the combined exertions of Presbyterians and Royalists, it could be saved. For the dread of that invincible army was on all the inhabitants of the island; and the Cavaliers, taught by a hundred disastrous fields how little numbers can effect against discipline, were even more completely cowed than the Roundheads."

One gleam of light, however, broke through the obscurity of the political horizon, which animated the courage of all who were either attached to monarchy or liberty. "That mighty force which had, during many years, acted as one man, and which, while so acting, had been found irresistible, was at length divided against itself. The army of Scotland had done good service to the Commonwealth, and was in the highest state of efficiency. It had borne no part in the late revolutions, and had seen them with indignation resembling the indignation which the Roman legions posted on the Danube and the Euphrates felt, when they learned that the empire had been put up to sale by the Prætorian guards. It was intolerable that certain regiments should, merely because they happened to be quartered near Westminster, take on themselves to make and unmake several governments in the course of half a year. If it were fit that the state should be regulated by the soldiers, those soldiers who upheld the English ascendancy the north of the Tweed were as well entitled to a voice as those who garrisoned the Tower of London." Indeed, for some time past, General Monk, Sir Thomas Fairfax, and the most eminent of the Commonwealth generals, had been alarmed by the encroachments of the officers in London on the functions of the civil government, and had even entered into correspondence with the Cavaliers for the return of Charles Stuart. But, in the restoration of the ancient civil polity, they had great difficulties to encounter: on the one side were the wishes of the nation for the King's return; on the other, established possession, maintained by a large standing army strongly imbued with Republican sentiments, and retaining an insuperable aversion to the house of Stuart and the reinstallation of Episcopacy; it therefore required the utmost caution to bring their plans to maturity without incurring the suspicion of the army. Not even Monk, with all his caution and perseverance, would have ventured on so hazardous a course had he not been driven to it by the strong motive of self-preservation. "He seems," says a judicious writer, "to have been impelled to attack the new rulers of the Commonwealth less by the hope that, if he overthrew them, he should become great,

than by the fear that, if he submitted to them, he should not even be secure." In his youth he had served in the Low Countries, under Goring; he then joined the Royal army in Ireland, and was taken prisoner at Nantwich; being committed to the Tower, he there remained till the cessation of hostilities, when he was liberated by Cromwell, and appointed to a command in Ireland. His successes, both by sea and land, were so brilliant that Cromwell appointed him to the government of Scotland, one of the most difficult posts under the Commonwealth, and so long as the protectorate remained in the family of Cromwell, he adhered faithfully to their interests; but when the officers at Westminster pulled down Richard and restored the Long Parliament, he quietly acquiesced, and would perhaps have acquiesced as quietly in the second expulsion of the Long Parliament, if the provisional Government had abstained from giving him cause of offence and apprehension. So moderate, indeed, were his political opinions, that we should be left without any direct evidence of his private sentiments were it not for a curious narrative which has been preserved in a letter of Sir John Hinton to the King, in which he says: "The day before General Monk went into Scotland, he dined with me, for I had contracted a great friendship with him when he was of our (the Royalist) party; and, after dinner, he called me into the next room, and after some general discourse, taking a lusty glass of wine, he drank a health to his Black Boy (as he called your Majesty), and whispered to me that, if ever he had power, he would serve your Majesty to the utmost of his life. At which I was astonished, he being in so great a station; and this assurance I had of his loyalty to your Majesty was the only cause of my preserving his life many years afterwards."*

Thinking that the time had now arrived when it would be expedient to strike a decisive blow, Monk concerted a plan with Fairfax for a rising in Yorkshire simultaneously with his advance into England, which he had prepared for by dismissing those officers in whom he could not confide, and replacing them by Presbyterians. The spirit of his army, however, was so decidedly republican that he could not venture to declare openly for the King, but proclaimed his intention of summoning a free Parliament, and taking the sense of the nation. Lambert was sent against him; but Monk so skilfully managed that instead of bringing his troops to an engagement, he persuaded the Parliament that he was acting in concert with them, and having assembled the Scottish estates at Berwick, he continued his

* See letter of memorial to King Charles II. from Sir John Hinton, physician in ordinary to his Majesty's person, 1679.—Sir H. Ellis, *Original Letters*. Third Series, iv. 307.

march ; while Lambert, Fleetwood, Desborough, and the other officers who meanwhile had incurred the displeasure of the Parliament, by refusing to submit to their ordinance for the remodelling of the army, were dismissed. York opened its gates to Fairfax, and when Monk arrived, on the 16th of January (1660), he was admitted within the town, and held a consultation with Fairfax, who recommended the immediate proclamation of the King. Monk, who was more cautious, said that it would be dangerous, in the present temper of his officers, and at Leicester even consented to sign a petition from his native county, Devon, expressing it as his opinion that monarchy could not, with safety to the kingdom, be restored ; that it would be hazardous to recall the secluded members, and that it was incumbent on all good citizens to submit to the present Parliament. He, however, did everything in the meantime to encourage the intercourse of his soldiers with the people, and supplied the vacancies in his regiments with Scots or zealous Presbyterians, so that even the common soldiers began to be less zealous for the "Good old cause."

About this time, he was met by the envoys of the Parliament, who had been sent under pretence of congratulating him, but in reality to serve as spies. The courtesy with which he received them, as the representatives of the supreme authority in the nation, dispelled any misgivings which they might previously have entertained, and he was invited to repair to Westminster with such a proportion of his troops as he might think requisite for the protection of legal authority in the agitated metropolis. On approaching the capital, he sent a requisition to the Parliament, requesting that a part of the troops who were quartered within the city might be removed, alleging that the people would find it burdensome to accommodate so great a number at one place, and that by some mischance disturbances might arise between the soldiers of the rival armies, as they held different views on religion and politics, and had for several years been strangers to each other. The Commons, who were greatly biassed by the opinion of the city, reluctantly consented to this proposition, and five regiments were ordered to withdraw. Monk's troops then entered Westminster, and, on the following day, the general was summoned to attend at the bar of the House to receive the thanks of the Commons of England. He replied to the Speaker's address in a modest but dignified tone, assuring the Parliament of his devotion, and of his readiness to obey their instructions in all things ; but when he was required, as a member of the Council of State, to take the oath of abjuration—abjuring the house of Stuart and the Government by a single individual

—he begged time for consideration, alleging that seven other members had not yet taken the oath. “It seems strange,” said he, “that men of such learning and piety as my compeers should have refused to take the oath without grave and weighty reasons, and indeed experience has shown that such oaths are as easily broken as taken. If, then, the present Government be really wise, it will require no such external support; for impious were it to swear that one would never consent to anything, which, however, might possibly be part of God’s providence. As for myself,” said he, “I have already given sufficient proofs of my devotedness to the Parliament, and, if it be requisite, I am ready to give new ones.”

The Parliament determined to take the general at his word, and, without consulting the wishes of the army, sent him against the city, with which they were greatly dissatisfied, on account of the factious disposition which the citizens had of late manifested, in returning a common council zealously adverse to the exclusion of the secluded members, who, being mostly moderate Presbyterians, were favourable to the restoration of the ancient form of government. The dispute between the Parliament and the city ran so high, that the latter refused to pay any taxes until a full and free Parliament should be assembled, and even ventured to receive and answer addresses from the counties without consulting the wishes of the House: these contempts of their authority so exasperated the Commons, that they sent secret instructions to Monk to enter the city by night, seize eleven of the Common Councilmen, and demolish its defences. Monk’s troops at first hesitated to obey, but the general stood firm, and having broken down the gates and removed the barricades which had been raised in the streets, he again retired to Westminster, followed by the execrations of the citizens, who bitterly resented this infringement of their liberties. So far, however, from being offended at this expression of the public opinion, Monk saw in it the fulfilment of his designs, and calling a council of his officers, pointed out to them the plot which had been laid by the Parliament to embroil them with the people, and then set them aside. The whole council was unanimous in its condemnation of the conduct of the Parliament, and a letter was accordingly addressed to the House, stating that it was the opinion of the army that new writs should be issued for filling up the vacancies in the House within a week, and that the Parliament so completed should proceed as soon as possible to convoke another House, and to dissolve itself. He then held a rendezvous of the whole army in Finsbury fields, and, ordering a Common Council to be held, he declared to the astonished citizens that he had come the day before, by command

of the Parliament, as an enemy, but that now he was come, by his own choice as a friend ; * that his intention was to obtain for the nation, with their assistance, a complete and free Parliament. At these words one burst of enthusiastic applause arose from the assembled multitude ; a general feast was given in the city, the bells were rung as if for a jubilee, and bonfires were lighted in the streets and squares, at which rumps of beef were roasted to regale the soldiers, while some of the more violent of the mob ventured to carry them about stuck upon long poles, and then committed them to the flames, in symbolical representation of the funeral obsequies of the odious Rump.

The Long Parliament was now assembled for the last time (Feb. 21), and the secluded members, who had been re-admitted, on the recommendation of Monk, asserted their unconditional right to sit as representatives of the people, and Haselrig and his friends finding themselves defeated on a bill to impose the oath of allegiance to the Commonwealth on members to be returned to the ensuing Parliament, retired in disgust. A new council of state was appointed, in which the Royalists possessed most influence. The Presbyterian faith was declared to be that of the nation, and copies of the League and Covenant ordered to be hung up in all the churches. The proceedings against the King, which were entered on the Journals, were then erased, and Monk made general of all the land forces within the three kingdoms. The Parliament would have gone further in the restoration of the ancient forms of the constitution, had not Monk, perceiving the ill-suppressed repugnance of his troops to the re-establishment of monarchy, prevented the precipitation of the men of 1648, by placing guards in the House of Lords, and prohibiting anything to be done from which a recognition of the royal authority could be inferred, always alleging that the army which he represented would not consent to it. After fixing a day for the meeting of a new assembly, the Long Parliament dissolved itself, after an existence, in whole, or in part, of nineteen years and a half.

The tendency, however, of public opinion was unmistakable ; and so soon as Monk was satisfied of the result of the elections, he ventured to communicate directly with one of the royalist agents, Sir John Grenville, and to assure the King of his entire devotion. This was the first decided step Monk had taken ; hitherto he had maintained a strict neutrality in all his actions, and had veiled his politics in such deep mystery that most men supposed him to be a moderate republican, while all the while he was aiding most effectually the royal cause, by making it appear that the change in the national sentiment was brought about in

* Dahlmann, Hist. of the Eng. Revol. chap. vi.

the natural course of events. "Seldom," says Dahlmann, "has Providence confided such an important decision to a mortal hand as to that of Monk. He was enabled to profit by the experience of the Long Parliament, to avoid its fatal errors in Church and State, and to give counsel, which, from his lips, was almost a precept." Whether correctly or otherwise, Monk was decidedly of opinion that, under existing circumstances, no attempt should be made to impose limitations on the royal prerogative as preliminary to the King's return; he therefore directed all his subsequent measures in accordance with this view, and in the message he sent to Charles II., who was then residing at Brussels, he recommended that a letter should be written to lay before Parliament, promising a general amnesty, with only such exceptions as should be made by Parliament, liberty of conscience, confirmation of the sales of sequestered property, and the payment of arrears to the army. These conditions were readily accepted by the King as the basis of a negotiation, which as yet was conducted with the utmost secrecy, Monk preferring not to let his real intentions be known until the meeting of the Parliament, which was summoned for the 25th of April.

The sense of the nation was never more fairly taken than at the present time; there was no court to influence the elections, and the landed aristocracy was so enfeebled that it could exercise no more than its legitimate influence, while all religious persuasions and all political parties were alike admitted to the exercise of their civil rights. The result of the elections showed that the moderate or Presbyterian party had greatly the upper hand, and next to them the Cavaliers. When the Convention Parliament met on the 25th April, the Peers, notwithstanding the defect of summons by writ, assembled in their hall as in ancient times, with the exception of those who sat in the last Parliament of Charles I. at Oxford. On the 1st May, letters from Charles II. were, as had been suggested by Monk, delivered to the two Houses, containing a statement of the Prince's intentions. This document, which is known in history as the declaration of Breda, from its having been signed at Breda on the 14th April, was really the Royal Charter on the faith of which Charles II. was suffered to ascend the throne of his ancestors. By it the King guaranteed a free and general pardon to all who should return to their allegiance within forty days, excepting only such persons as hereafter may be excepted by Parliament. He also declared liberty to tender consciences, and that no man shall be disquieted or called in question, for differences of opinion in matters of religion which do not disturb the peace of the kingdom; and because during so many and great revolutions, many

grants and purchases of estates have been made, it is conceded that all things relating thereto shall be determined in Parliament. He further promised payment of arrears due to the officers and soldiers under the command of General Monk, and that they should be received into the King's service upon as good conditions as they now enjoy. After reading these letters a most important debate ensued on the advisability of readjusting the functions of government between King, Lords, and Commons. Sir Mathew Hale, the most eloquent lawyer of the time, urged the necessity of some guarantee being taken for the security of the people's interests, and proposed that the concessions made by Charles I. in 1641 (which established in its most essential parts our existing constitution), should be taken as the basis of a permanent settlement between the Crown and the Parliament; but Monk decidedly opposed this plan; he declared that, if there were any delay, he could not answer for the public tranquillity, and that there was no time for such an investigation, which threatened to revive the discord of preceding years. "The King," said he, "comes alone; what have you to fear from a prince who has neither money to bribe, nor soldiers to coerce you? If restrictions are needful, why not wait for his arrival?" It was certainly a difficult question to decide; most of our profoundest politicians agree with Monk; but it has been much the practice of writers zealous for freedom to represent the Restoration as a disastrous event, and to condemn the folly and baseness of that Convention which recalled the royal family without exacting new securities against maladministration. "Those," says Macaulay,* "who hold this language, do not comprehend the real nature of the crisis which followed the deposition of Richard Cromwell. England was in imminent danger of sinking under the tyranny of a succession of small men, raised and pulled down by military caprice. To deliver the country from the domination of the soldiers was the first object of every enlightened patriot; but it was an object which, while the soldiers were united, the most sanguine could scarcely expect to attain. On a sudden a gleam of hope appeared; general was opposed to general, army to army. On the use which might be made of one auspicious moment depended the future destiny of the nation. Our ancestors used that moment well. They forgot old injuries, waved petty scruples, adjourned to a more convenient season all dispute about the reforms which our institutions needed, and stood together, Cavaliers and Roundheads, Episcopalians and Presbyterians, in firm union, for the old laws of the land against military despotism. The exact partition of

* Macaulay, Hist. Eng. i. p. 152.

power among King, Lords, and Commons, might well be postponed till it had been decided whether England should be governed by King, Lords, and Commons, or by cuirassiers and pikemen. Had the statesmen of the Convention taken a different course, had they held long debates on the principles of government, had they drawn up a new Constitution and sent it to the Netherlands, with projects and counter-projects, replies by Hyde and rejoinders by Prynne, the coalition on which the public safety depended would have been dissolved, the Presbyterians and Royalists would certainly have quarrelled, the military factions might possibly have been reconciled, and the misjudging friends of liberty might long have regretted, under a rule worse than that of the worst Stuart, the golden opportunity which had been suffered to escape." The majority of the members, taking these casualties into consideration, voted for the immediate proclamation of Charles II., which took place on the 8th of May, and a deputation of both Houses was despatched to the Hague to welcome the King home. It was also ordered that the King's name be introduced into the public worship; that his accession be dated from the day of his father's death, and that an order be issued for taking down the Commonwealth emblems, and setting up the royal arms on the city gates and all other public places.

But these changes were not effected without considerable danger to the public peace; the soldiers everywhere were in a gloomy and savage mood. "They hated the title of King; they hated the name of Stuart; they hated Presbyterianism much, and Prelacy more. They saw with bitter indignation that the close of their long domination was approaching, and that a life of inglorious toil and penury was before them;" for it was not to be expected that a prince whom they had kept out of his lawful inheritance would have much need of their services, nor if he had, that the Parliament would consent to pay them. Under these circumstances they had but one alternative—either to submit and be disbanded, or to raise the standard of revolt. To this latter plan the principal officers, amongst whom were Lambert, Desborough, and Fleetwood, seemed inclined; they preached, they exhorted, they threatened, but the great body of the army felt a reluctance to commence a struggle of which it could not foresee the result; it had no confidence in its officers, and the several regiments were at enmity with each other. The day before the entry of Monk into London, a skirmish had actually taken place in the Strand between the infantry and the cavalry; and, in the event of a civil war, it was by no means certain that the army of Scotland, which now occupied London, would not side with the popular party; so that the whole energy of the army

was prostrated. Meanwhile, Monk and those who acted as the provisional government took every precaution to prepare for a conflict, if it should prove inevitable. They lavished praises and rewards on the troops quartered in London; they wrote to the gentry and magistrates throughout the country to put the county militia in readiness for marching within an hour's notice, and called out the trained bands of the city. The fleet, which was heartily with the nation, was ordered to ascend the Thames, and the Tower was put in a state of defence. This was a time of intense suspense. The flame of civil war had actually been re-kindled, and for one moment appeared likely to gain head. Lambert, who had been committed to the Tower for an attempt to excite a mutiny in the army, had escaped from his confinement, and put himself at the head of the troops in Warwickshire; but he was met by Ingoldsby, now a Royalist, near Daventry, and Captain Haselrig with several other officers, changed sides, so that Lambert, left alone, having vainly endeavoured to induce his former fellow-soldiers to let him escape, was compelled to surrender. Colonels Cobbet, Creed, and some others, were also taken. At the very moment when Monk was reviewing the militia of the city in Hyde Park, Lambert and his friends were driven by Tyburn, on their way to the Tower, amidst the hootings of the populace. The failure of this enterprise damped the spirit of the soldiers, and they sullenly resigned themselves to their fate.

Charles, who had embarked on board the English fleet at Schevelin in Holland, arrived at Dover on the 25th, where he was received by Monk and a brilliant assemblage of nobles and gentry, who flocked to congratulate him on his first landing. On the 29th, which was his birthday, he entered London, amid the cheers of the soldiers and the shouts of the populace, who had proceeded as far as Blackheath to welcome him. From every window and balcony tapestry and banners were waving, embroidered with loyal devices; and so universal was the joy, that the King observed, in his agreeable manner: "Surely it must have been my own fault that I did not come before, for I have met with no one to-day who did not protest that he had always wished for my restoration." But these visions of peace and prosperity were soon clouded: Charles II. was, both by disposition and education, unfitted for serious application, and although he did not entertain a decided aversion to Parliaments, like his father and his brother, yet he was extremely jealous of the royal prerogative, and greatly wasted the national resources.

CHAPTER XXV.

THE LAST TWO STUARTS.

CHARLES II. A.D. 1660—1685.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XIV., 1643-1715. *Germany*—LEOPOLD I., 1658-1705.
Spain—PHILIP IV., 1621-1665, and CHARLES II., 1665-1700. *Popes*—
 ALEXANDER VII., 1655; CLEMENT IX., 1667; CLEMENT X., 1670; and
 INNOCENT XI., 1676-1689.

PERIOD I. A.D. 1660—1678.

- 1660**—Change of manners at the Restoration—Effect of power on religious sects—Reduction in the national expenditure—Disbanding of the army—Its memory hateful to the Cavaliers—The ancient polity restored—Attempt to remodel the church upon a more liberal basis—Renewal of the controversy between the Episcopalians and Presbyterians—Royalist claims—Bill of Indemnity—Political executions—Indignities offered to the memory of Cromwell, Ireton, and Bradshaw—Abolition of feudal rights—Imposition of the excise—Change in the fiscal system from a direct to an indirect taxation—The church restored to its former power.
- 1661**—Ascendency of the Royalists in the second Long Parliament—Trials of Vane and Lambert—Retrograde measures of the Cavalier Parliament—Corporation Act.
- 1662**—Act of Uniformity—Repeal of the Triennial Act—The English acquire Bombay by the King's marriage with Catherine of Braganza—Affairs of Scotland—The Drunken Parliament.
- 1664**—Conventicle and Five-mile Acts—Moderation of the King—His wish to govern by Parliaments—Sale of Dunkirk—Second Dutch war.
- 1666**—Plague and fire of London—The Dutch burn the shipping at Chatham.
- 1667**—Dishonourable peace—Impeachment of Lord Clarendon—Change in the disposition of Parliament—Influence of the House of Commons.
- 1668**—Cabal ministry—Ascendency of France—Triple Alliance.
- 1670**—Duplicity of Louis XIV.—Sacrifice of the national honour by the Treaty of Dover—Narrow escape from absolute monarchy.
- 1672**—Third Dutch war—Seizure of the Giro bank.
- 1673**—Declaration of Indulgence—Spirited conduct of the Commons—Wise counsel of Louis XIV.—Test Act—Self-sacrifice of the Dissenters—Opposition to the Duke of York.
- 1674**—Dismissal of Shaftesbury—Impeachment of ministers—Peace with Holland concluded by the Treaty of Westminster.
- 1675**—Opposition of the Lords—Non-resisting test.
- 1676**—Secret alliance with France—Opposition in Parliament.

1677—Marriage of the Princess Mary with the Prince of Orange—
Change in foreign politics—Bribery of the popular leaders.

1678—Treaty of Nimeguen—Policy of Louis XIV.

1660.]—Seldom if ever has so great a change come over the manners and customs of any nation as took place in England on the accession of Charles II. : * instead of that fanatic gloom which, during the reign of the Commonwealth, had repressed every expression of pleasure and induced a rude austerity of manners, a taste for elegance and refinement distinguished the new court and pervaded every class of society, but which too frequently degenerated into luxury and voluptuousness. We should, however, form a wrong estimate of the nature of this change did we suppose that the great body of the people had become on a sudden less religious or less moral—it was the reaction which naturally follows a period of undue restraint. “Men,” says a contemporary writer, “freed from the bondage under which they had been held, madly rushed into every excess, and indulged in licentiousness in proportion to the severity of the restraint under which they had been held.” Even the Puritans themselves had undergone a great and remarkable change since their elevation to power : they were no longer that small and virtuous body which they formerly had been, but an heterogeneous mass, united only by extravagant whims about dress, diversions and postures, which brought the very name of religion into ridicule with the multitude. “Before the civil wars, even those who most disliked the opinions and manners of the Puritan were forced to admit that his moral conduct was generally, in essentials, blameless ; but this praise was now no longer bestowed, and unfortunately was no longer deserved. The general fate of sects is to obtain a high reputation for sanctity while they are oppressed, and to lose it as soon as they become powerful ; and the reason is obvious. It is seldom that a man enrols himself in a proscribed body from any but conscientious motives. Such a body, therefore, is composed, with scarcely an exception, of sincere persons. The

* Charles II., son of Charles I. and Henrietta Maria, was born at St. James's, May 29, 1630. He married Catherine of Braganza, daughter of John of Portugal, by whom he left no children, but had many by his mistresses, such were the Dukes of Monmouth, Grafton, St. Albans, and Richmond, all of them ancestors of existing noble houses. Having been seized with a fit of apoplexy, he died four days afterwards, Feb. 6, 1685, in the Romish faith. It should be observed that although Charles II. did not become king *de facto* until the 29th of May, 1660, he is legally supposed to have succeeded to the throne immediately upon his father's decease, Jan. 30, 1649, so that his regnal years are computed from the latter date, the year of his restoration being the twelfth of his reign.

most rigid discipline that can be enforced within a religious society is a very feeble instrument of purification, when compared with a little sharp persecution from without. We may be certain that very few persons, not seriously impressed by religious convictions, applied for baptism while Diocletian was vexing the church, or joined themselves to Protestant congregations at the risk of being burned by Bonner. But when a sect becomes powerful, when its favour is the road to riches and dignities, worldly and ambitious men crowd into it, talk its language, conform strictly to its ritual, mimic its peculiarities, and frequently go beyond its honest members in all the outward indications of zeal. No discernment, no watchfulness, on the part of ecclesiastical rulers, can prevent the intrusion of such false brethren. The tares and the wheat must grow together. Soon the world begins to find out that the godly are not better than other men, and argues, with some justice, that, if not better, they must be much worse. In no long time, all those signs which were formerly regarded as characteristic of a saint, are regarded as characteristic of a knave."* Such was the tone of public feeling at the time of the Restoration; both Presbyterians and Independents had lost the confidence of the nation; and the character of the restored King tended in no slight degree to favour the spread of latitudinarian opinions. Accustomed to the lax morality of continental courts, Charles II., although a thorough gentleman in manners, refined and elegant in tastes, amiable in disposition, and agreeable in conversation, was nevertheless a voluptuary, and addicted beyond measure to sensual indulgence. His favourite vices were precisely those to which the Puritans were least indulgent; and consequently, without any religious dislike, he naturally felt disposed to depress the party which had resisted his father.

The advantages, however, which the nation gained by a return to its ancient form of government are sufficiently evidenced by the simple fact, that instead of the national burdens being estimated at £12,000,000—equal to £35,000,000 at the present day—a revenue of £1,200,000 was fixed by Parliament for the King's life, and found amply sufficient for all the ordinary expenses of government. That great drain on the national resources, the standing army of 60,000 men, whose pay required an assessment of £70,000 a month, was entirely abolished, with the exception of Monk's regiment, since named the Coldstream Guards, from their having had their head-quarters at Coldstream at the time when they marched to restore the monarchy; Cromwell's regiment of horse-guards, which was re-embodied under

* Macaulay, Hist. Eng. i. p. 164.

the Earl of Oxford, and, from the colour of their uniform, received the name of Oxford Blues; and another regiment formed of veterans who had served under the Duke of York in the Spanish Netherlands, and which became the first regiment of foot-guards, or Grenadier Guards, as they have been called since the Battle of Waterloo, numbering in all about 5,000 men, who were retained in the King's pay, and formed the nucleus of the present standing army. The disbanded warriors, instead of creating any disturbances in the country, as had been apprehended, quietly returned to their native villages, and applied themselves to the peaceful occupations of honest industry with an aptitude and zeal which appeared almost incredible in men accustomed to the idle life of the camp; so that, within a very few months, not a trace remained, to indicate that the most powerful army in the world had just been absorbed into the mass of the community.

The army having been disbanded, all fear of the revival of the military tyranny was at an end; but the memory of its seventeen years' domination was not so easily forgotten. For nearly a century after the extinction of the Commonwealth, the existence of a standing army was looked upon with extreme jealousy, if not detestation; but what deserves more especially to be noted is, that this feeling was not confined to the advocates of liberty, but was even stronger in the supporters of absolute monarchy. "It ought to be considered," says Macaulay,* "a most fortunate circumstance that, when our country was, for the first and last time, ruled by the sword, the sword was in the hands, not of her legitimate princes, but of those rebels who slew their king and demolished the Church. Had a prince with a title as good as that of Charles commanded an army as good as that of Cromwell, there would have been little hope indeed for the liberties of England. Happily that instrument by which alone the monarchy could be made absolute, became an object of peculiar horror and disgust to the monarchical party, and long continued to be inseparably associated, in the imagination of Royalists and Prelatists, with regicide and field preaching."†

* Macaulay, *Hist. Eng.* i. p. 154.

† Previously to this period a standing army could scarcely be said to have existed in England, the only permanent troops at the King's disposal consisting of the Yeomen of the Guard, originally introduced by Henry VII., and the Gentlemen Pensioners, embodied by Henry VIII. as a body-guard. Charles I. formed three troops of guards from gentlemen of quality, which were subsequently formed into one regiment, called the "Life Guards," but these were scarcely regular troops, as they belonged to the body of the people, and were not dependent on the King's pay, nor governed by distinct laws. The dangerous characteristic of a standing

The old civil polity was now restored in all its essential points—such as it had been eighteen years before, when Charles I. withdrew from his capital. All those acts of the Long Parliament which had received the royal assent were admitted to be in full force, and the Parliament was sitting after the ancient fashion, but with this slight alteration, that the bishops were still excluded from their seats in the House of Lords. The Royalists were for restoring the Church to all its ancient privileges; but the Parliament, which had been elected during the ascendancy of the Presbyterians, wished to effect a considerable modification of its discipline, so as to render it less objectionable to the moderate Puritans. The consequence of this difference of opinion was, that the coalition which had been formed to effect the Restoration was again dissolved, and the two great parties stood opposed to each other in religion and politics.* The dispute would, even in the present Parliament, have been carried further, had not the necessity of adjusting the claims which the Church, the Crown, and private Royalists had to prefer for reparation called for immediate legislation.† As to the lands of the Crown and of the Church which had been sold, nothing could be objected, in point of right, against the demand to restore them: in such cases, the purchaser invariably calculates that revolutions are often followed by counter-revolutions, and pays a price less for the purchase, in proportion to the risk incurred; even in the resale of such lands the equity of the case is unaltered, as the second purchaser can only claim the right transferred by the first, and no one can convey to another that which he does not possess himself. However, the Crown was lenient in enforcing its claims, and generally retained the purchaser as a tenant: the clergy of the Established Church could not afford to be equally liberal, and enforced their rights with more rigour. But the claims of the Royalists who had been reduced to indigence were more difficult to adjust: many of them had disposed

army is defined by Blackstone, who maintains that nothing ought to be more guarded against in a free state than making the military power, when such a one is necessary to be kept on foot, a body too distinct from the people, governed by different laws, and paying a blind obedience to their commanding officer. This forms the grand distinction between a standing army, whether parliamentary or otherwise, and a volunteer force, which latter may be considered a part of the people.

* The clergy were deprived of the privilege of taxing themselves in convocation, but were included among the laity so far as taxation was concerned, an arrangement which virtually overthrew the authority of the clergy as a separate estate of the realm.

† Charles had promised that just satisfaction should be given by Parliament, but that assembly shirked the difficulty, and concluded nothing, so that the parties were left to the common course of law.

of their lands in order to supply the King's necessities or to equip themselves, while others had been forced to the like act in order to discharge the heavy fines which had been set on them by the committee of Goldsmiths' Hall. For all these there was no redress, and they pined in discontent, loudly exclaiming against the Bill of Indemnity, as "indeed a law of oblivion and immunity; for by it loyalty is forgotten and treason is unpunished."

The exceptions to be made to the King's general pardon then came under discussion, and occasioned a warm debate in the House, where Prynne and other sycophants were clamouring to have Richard Cromwell, John Milton, and all the eminent Republicans, placed upon the list of those who were to be excluded from the King's mercy; but the influence of the court was wisely used to diminish as much as possible the number of prosecutions. Ten only of the regicides were executed;* the rest were sentenced to banishment or perpetual imprisonment; so that the Restoration was effected without much bloodshed. Those who suffered died with constancy and firmness, as the champions of the cause of liberty; their fate, however, was lamented but by few, for if not actually guilty of the King's murder, as the Royalists believed, they had certainly countenanced a proceeding which no extension of the law could justify, and were consequently legally condemned. But the most disgraceful act of the Restoration was the digging up of the bones of Cromwell, Ireton, and Bradshaw, and hanging them at Tyburn; for whether this were done to gratify the King's own vengeance or to allay the fury of the fickle multitude, it can only be regarded as an act of petty spite, and must ever cast a dark shadow on the otherwise propitious event of the Restoration.

The next measure of importance which came under the consideration of the Convention Parliament was the bill for abolishing the feudal rights of wardship and premier seizin, together with purveyance and pre-emption.† These vestiges of the feudal system had perished with the monarchy, and it was the desire of every landed gentleman that they should not be again revived; but as they formed part of the ancient prerogative of the Crown, it required a special act of grace to dispense with them, and the Parliament therefore proposed to compensate the King by some more lucrative tax, to which Charles II. gladly agreed, as he cared but little for power, except as it enabled him the more

* Harrison, Scot, Carew, Jones, Clements, and Scroope, who had signed the late King's death-warrant; Coke, or Cook, who conducted the accusation, Axtell and Hacke; two officers of the guard; and Peters, an eccentric Anabaptist.

† 12 Car. II. ch. 24.

easily to gratify his propensities. The obvious and equitable course undoubtedly would have been to have imposed a general tax upon land, to make up the deficiency in the revenue occasioned by the repeal of the military dues, of which the land had been relieved; but the landowners, who monopolised the seats in the Commons, were little inclined to saddle themselves with any additional burdens, so long as a means could be found to shift them upon others; they therefore readily availed themselves of the excise, which had originally been imposed only as a war tax under the Commonwealth, and thus changed the fiscal system from a direct to an indirect taxation, the evils of which have only lately begun to be discovered, and we are again returning to the primitive plan. The effect, however, which this act produced upon the constitution was of much more serious import than the mere shifting of taxation. It reduced what is emphatically called the prerogative of the Crown, and by so doing wrought an important alteration not only in the letter but in the spirit of our constitution: for those vexatious exercises of power which were accustomed to be practised by the Norman and Tudor kings, kept up in the minds of the people a more distinct perception, as well as more awe, of the monarch than could be felt in later periods, when the prerogative has become, as it were, merged in the common course of law, and blended with the very complex mechanism of our institutions.*

So long as the Convention Parliament, which had restored the royal family, continued to sit, no attempt was made to effect the re-establishment of the old ecclesiastical system. "Not only," says Macaulay,† "were the intentions of the court strictly concealed, but assurances which quieted the minds of the moderate Presbyterians were given by the King in the most solemn manner. He had promised, before his restoration, that he would grant liberty of conscience to his subjects. He now repeated that promise, and added a promise to use his best endeavours for the purpose of effecting a compromise between the contending sects. He wished, he said, to see the spiritual jurisdiction divided between bishops and synods. The Liturgy should be revised by a body of learned divines, one-half of whom should be Presbyterians. The questions respecting the surplice, the posture at the Eucharist, and the sign of the cross in baptism, should be settled in a way which would set tender consciences at ease. When the King had thus laid asleep the vigilance of those whom he most feared, he dissolved the Parliament (Dec. 29). He had already given his assent to an act by which an amnesty was granted, with few exceptions, to all who, during the late troubles, had

* Hallam, Const. Hist.

† Macaulay, Hist. Eng. i. p. 174.

been guilty of political offences. He had also obtained from the Commons a grant for life of taxes, including tonnage and poundage, the annual produce of which was estimated at £1,200,000. The actual income, indeed, during some years, amounted to little more than a million; but this sum, together with the hereditary revenues of the Crown, was then sufficient to defray the expenses of the Government in time of peace. Nothing, however, was allowed for a standing army. The nation was sick of the very name; and the least mention of such a force would have incensed and alarmed all parties."

1661.]—The object of the court was now to get the acts of the Convention Parliament confirmed by a new election, as the present Parliament, not having been legally convoked, was no more than a convention, and its acts were therefore not binding. With this object, new writs were issued, and it was soon evident that the second Long Parliament, which met on the 8th May, 1661, would prove still more loyal than the convention which had been dissolved; it proceeded at once to bring in a bill for the immediate execution of the remaining regicides. But the King himself interfered; "I am tired of this hanging," said he to the chancellor; "let the bill remain with the Parliament, that it may not be brought to me; for you know I cannot grant these men a pardon." The Lords, in accordance with the King's express desire, staid the bill in the Upper House. But the clamour of the Commons against Sir Harry Vane and General Lambert was so vehement, that although these men had taken no active part in the King's trial and execution, yet proceedings were instituted against them for having been the chief instigators of the civil war, and having been concerned in the impeachment of Strafford. Lambert threw himself on the King's mercy, and was banished to Guernsey, where he spent the remainder of his life in the cultivation of the fine arts and the study of horticulture; but Vane, a man of high integrity and honour, spurned to avail himself of any subterfuge, and boldly asserted that, in accepting office under the Commonwealth, he had acted in accordance with the dictates of conscience, and conformably to the law of the land. "God," said he, in his defence, "who ordereth all things, and cannot err, in giving victory on the side of the Parliament, declared it the chief authority in the state; and by the statute of 2nd Henry VII., he who acts under a king *de facto*, although he be not king *de jure*, is held justified by the law, much more then was obedience to the Parliament excusable, while it governed only in the absence of the King." The spirit if not the letter of the law was decidedly in Vane's favour; but his prosecutors were de-

terminated not to let him escape, and the judges, in order to convict, were driven to the monstrous absurdity of asserting that Charles II. had been King *de facto* as well as *de jure* from the death of his father, no one else having laid claim to the Crown. "It is impossible," says a judicious writer, "to look upon the execution of Vane in any other light than as a judicial murder, although we cannot but acknowledge a seeming retribution, on surveying his political career." At the trial of Strafford (whose sentence was scarcely less iniquitous than his own), he had ignominiously lent himself to furnish evidence, and by his conduct in the House he had greatly contributed to hasten on the civil war, and finally to cause the King's execution. Hence historians have drawn the series of historic parallels: "On the same spot on which Strafford fell one-and-twenty years before, Vane now underwent a similar fate. As the series of blood began with the one, it ended with the other. As Charles I. forfeited his word and honour in the one case, so Charles II. forfeited his in the other."

The vehemence, indeed, of the Commons in demolishing everything which had been done by the Commonwealth was so fierce, that the King and his chief minister, Clarendon, were terrified at the completeness of their own success. They found themselves, says Macaulay,* in a situation not unlike that in which Louis XVIII. and the Duke of Richelieu were placed while the Chamber of 1815 was sitting. Even if the King had been desirous to fulfil the promises which he had made to the Presbyterians, it would have been out of his power to do so. It was indeed only by the strong exertion of his influence that he could prevent the victorious Cavaliers from rescinding the Act of Indemnity, and retaliating without mercy all that they had suffered. Not only was the Established Church restored to its former pre-eminence, and the bishops to their seats in the House of Lords, but it was rendered incumbent on all members, before taking their seats, to receive the sacrament according to the rites of the Church of England, and a vote was passed for causing the Solemn League and Covenant to be burnt by the hands of the common hangman. It was further declared treason to distinguish between the King's person and his office, or to deny that the *veto* and the command of the army were inherent in the Crown. But perhaps the most inexcusable of all the acts of the present Parliament was the Corporation Act, which deprived men of their civil rights for matter of conscience; by it all persons were prohibited from holding office in any city or corporate town unless they were of the Church of England, and had taken

* Macaulay, Hist. Eng. i. p. 175.

the sacrament within twelve months, or unless they subscribed the declarations abjuring the Solemn League and Covenant, and the lawfulness of taking up arms under any pretence against the King, and shall take the oaths of allegiance and supremacy at the same time they take the oaths of office.

1662.]—The King's marriage with Catherine of Braganza, brought him £500,000, besides the important settlements of Tangiers and Bombay, and a free trade with the Portuguese settlements in the East, by which the English commerce was greatly augmented. On the meeting of Parliament certain alterations in the Liturgy made by Convocation were approved, and the Act of Uniformity passed, which deprived above 2,000 of the most energetic and conscientious ministers of their benefices, for the sole offence of not subscribing their assent and consent to everything contained in the Book of Common Prayer, which, instead of having been remodelled on a more liberal basis, as Charles II. had promised at his restoration, when the support of the Presbyterians was essential to the safety of his throne, had actually been rendered still more obnoxious to the evangelical party, by the insertion of several additional saints' days into the calendar, and the introduction of the Apocrypha as a portion of the service; the act further required of all ministers of the Church, episcopal ordination, the oath of canonical obedience, the abjuration of the League and Covenant, and of the lawfulness of arming against the King. It was also in this Parliament that the famous Triennial Act of 1641 was repealed; but, however, with this proviso, that parliaments should not be intermitted for more than three years at the most.

1664.]—After a short trial it was found that the Act of Uniformity, by its severity, had defeated its own object. The Nonconforming clergy being expelled the Church, were driven to open separate places of worship and schools. To put a stop to this secession, which threatened to split the Church of England, it was found requisite to pass the Conventicle Act. By this statute it was rendered penal for any number above five persons to be present at any meeting for religious worship, not in accordance with the usage of the Church of England; for the first offence such persons were to be fined £5, or to be imprisoned for three months; for the second £10, and for the third £100, or transported for seven years.

1665.]—This act was followed by another still more stringent, called the Five Mile Act, forbidding Nonconforming ministers to come within five miles of any parliamentary borough, or of any corporate town, or village, in which they had ever ministered, under a penalty of £40, besides six months'

imprisonment, unless they consented to take the oath of non-resistance.*

In Scotland matters followed the same course as in England, but owing to the Presbyterian form of worship having become the national religion, and having been confirmed by the acts of several successive parliaments, the contention of the Presbyterian and Episcopalian factions was much fiercer. The power, however, of the Crown in influencing the elections was more direct in Scotland than in England, and the authority of the nobles was almost paramount; so that, these two powerful interests being united, there was no possibility of successfully resisting them, and a Parliament was returned, which, from the readiness with which it sacrificed the people's interests, was called the "Drunken Parliament." The Crown was thus restored to its fullest prerogatives, Episcopacy re-established on a footing more arbitrary than had ever been attempted by Charles I., and an Act Rescissory passed, which, under various pretexts, rescinded all that had been done by previous Scottish parliaments since the year 1633.

The Commons both in England and Scotland would have gone much further in undermining the constitution; but it was fortunately not the object of Charles, as it was of his brother James, to establish absolute monarchy, and he therefore rather opposed than abetted these proceedings, "preferring," as Lord Brougham† observes, "to govern by parliaments as the easier course to pursue." Charles was not a man to be deceived by the patriarchal theory of government and the doctrine of divine right. He was utterly without ambition, and carried his aversion to business to such an extent, that he would rather have abdicated his crown than have undergone the trouble of really directing the administration. "I have no desire," said he to Lord Essex, "to sit like a Turk and order men to be bowstringed, but then I will not suffer a set of fellows to be prying into my private affairs."‡ It was only when the Commons refused to vote him money, and would inquire into the public conduct of his ministers, that Charles threw himself into the arms of France, and sold Dunkirk to Louis XIV. for the sum of £400,000.

For several years few domestic events of importance occurred, but the attention of the nation was taken up by the war with

* These Acts were partially modified in 1670, when the penalty on persons attending conventicles was mitigated, but a heavier fine imposed upon the preachers, and those who lent their houses for preaching.

† Brougham, *British Const.* chap. vii. p. 95.

‡ Macaulay, *Hist. Eng.* i. p. 169.

Holland, which had been commenced at the instigation of the Commons, who were jealous of the successful rivalry which that infant republic maintained with Great Britain, and they thought, by crippling its navy, to extend the trade of the English merchants throughout all the maritime states of Europe.

1665-7.]—A pretext was not wanting, in that the treaty of 1654 was not yet executed, and the English merchants complained that their losses already amounted to £700,000. Hostilities commenced by the capture of Goree and other Dutch stations on the coast of Africa by Sir R. Holmes, who, then crossing the Atlantic, took New Amsterdam, which he renamed New York, in honour of the Duke of York. Another fleet of ninety-eight sail, commanded by the Duke of York and Prince Rupert, gained a brilliant victory (June 3, 1665) at Solebay, off Lowestoft, in which Opdam and three other Dutch admirals were slain. Although now assisted by France, the Dutch were again defeated by Rupert and Monk off the North Foreland (July 25, 1666), and lost all their shipping in Schelling harbour. The losses of the Dutch in this disastrous war were estimated at many millions sterling, but the energy of the English Government was now crippled by the great plague, which had carried off about 100,000 of the inhabitants of London, followed by the great fire, which, breaking out on the 2nd of September, 1666, had almost desolated the metropolis. Owing to these domestic misfortunes, and the prodigality of the court, the English Government could no longer find money to support the cost of the war, and most of the larger vessels were put out of commission. The Dutch still continued their preparations, and sent another fleet to sea under De Ruyter, who sailed for the Nore, where, dividing his fleet, one part entered the Medway, and burnt the ships and stores at Chatham, while the other division sailing up the Thames proceeded nearly as far as Gravesend, burning many first-class English vessels, including the Royal Charles, in which the King had sailed from Holland, and even threatened the port of London, for the protection of which the citizens sunk thirteen ships at Woolwich and four at Blackwall. The sailors, who were actually starving, refused to fight until they were paid, and peace was concluded at Breda (21st July, 1667), on the terms that matters should remain on the same footing as before the war, that the Dutch should retain the Isle of Polderne in exchange for New York, which the English claimed by right of Cabot's discovery, and that France should accept Nova Scotia in exchange for Antigua, Monserrat, and St. Kitt's; it was further stipulated that the Navigation Act should be relaxed in favour of Holland. This last stipulation was looked

upon as a national disgrace, and the popular fury fell upon Hyde, Earl of Clarendon, the principal adviser of the Crown, who, although he had originally opposed the commencement of hostilities, had been so unfortunate as to be the minister in power at the time of the English reverses, and had, as was generally believed, advised the King to the sale of Dunkirk. "We must not," says Macaulay, "let the respect which we justly feel for Clarendon as a writer, blind us to the faults which he committed as a statesman." Although probably innocent of most of the offences for which he was impeached by Parliament (Nov. 12.), he certainly had been guilty of many delinquencies, which, although not amounting to treason, were unquestionably high misdemeanors, and which merited the just indignation of the Parliament. His sending persons to remote and even foreign prisons, his being accessory to the treaty with France, and his procuring for Charles supplies from Louis XIV. to preclude the necessity of meeting Parliament, were crimes of a deep dye, how little soever they could give his profligate and ungrateful master a pretext for leaving him to his fate. "His detestable conduct, too, on the occasion of his daughter's marriage with the Duke of York, when he besought the King to refuse consent, and declared he had rather she were treated as a strumpet, or put to death for a conspiracy against the prerogative, than that the Crown were sullied by such an alliance—though it be an offence incomparably less heinous to the state—has more than all his other crimes fixed upon his memory the just scorn of all good men in after ages." *

The unfortunate minister retired to Montpelier, in France, at the request of the King, and for not appearing when summoned to surrender, was banished for life. During his exile he occupied his leisure in finishing "The History of the Rebellion," which he had originally undertaken at the instance of Charles I.; and although throughout it he is undoubtedly too severe on the Revolutionary party, yet every writer, whatever his politics, must own that it is a work of infinite genius and research.

The fall of Clarendon is perhaps one of the most remarkable events in the history of England, and has seldom been correctly explained by historians. It is true that the failure of the Dutch war and the malversation of the finances may have contributed, and that in no slight degree, to change the tone of public opinion; but the Parliament was still the Cavalier Parliament, chosen in the transport of loyalty which followed the Restoration, and it was not likely that such an assembly should have become on a sudden disloyal, or have insisted upon the impeachment of the King's favourite minister at a time when the country was threat-

* Brougham, *British Const.* chap. vii. p. 97.

ened at once with an invasion and a rebellion. The truth was that a great and important change had recently taken place in the nature of the government; no legislature, however loyal, would now consent to be merely what the legislature had been under the Tudors. From the death of Elizabeth to the eve of the civil war, the Puritans, who predominated in the representative body, had been constantly, by a dexterous use of the power of the purse, encroaching on the power of the executive government. The gentlemen who, after the Restoration, filled the Lower House, though they abhorred the Puritan name, were well pleased to inherit the fruit of the Puritan policy: they were indeed most willing to employ the power which they possessed in the state for the purpose of making their King mighty and honoured, both at home and abroad; but with the power itself they were resolved not to part. "The great English Revolution," says Macaulay,* "of the seventeenth century, that is to say, the transfer of the supreme control of the executive administration from the Crown to the House of Commons, was through the whole long existence of this Parliament proceeding noiselessly, but rapidly and steadily. Charles, kept poor by his follies and vices, wanted money. The Commons alone could legally grant him money. They could not be prevented from putting their own price on their grants. The price which they put on their grants was this, that they should be allowed to interfere with every one of the King's prerogatives, to wring from him his consent to laws which he disliked, to break up cabinets, to dictate the course of foreign policy, and even to direct the administration of war. To the royal office and the royal person they loudly and sincerely professed the strongest attachment. But to Clarendon they owed no allegiance; and they fell on him as furiously as their predecessors had fallen on Strafford."

1668.]—The ministry which succeeded to that of Clarendon was called the Cabal, from the accidental circumstance that the initial letters of the names of the five ministers who composed it—Clifford, Arlington, Buckingham, Ashley, and Lauderdale—formed that compound, which has since been adopted into the English language as a term of reproach. At its head was the Duke of Buckingham, son of the notorious Buckingham, who first misled the unhappy race of Stuarts into their career of ruin; he was a man still less scrupulous than his father, and imbued with the spirit of mischief, so that scarcely a day passed without some infringement of the constitution, or some foolish quarrel with a friendly state.

The increasing power of Louis XIV. had for some time alarmed

* Hist. Eng. i. p. 193.

every government in Europe ; for although, in territory, France was not so extensive as at present, yet her influence in European politics was comparatively greater : compact and central in position, she was well calculated both for attack and defence, and the whole resources of her vast dominion were wielded by a single hand. It should also be remembered that many of the states which now occupy an eminent position in the world had not then emerged into importance : Russia was scarcely to be considered an European country ; the house of Brandenburg was no more powerful than the house of Saxony ; and the republic of the United States had not begun to exist ; whereas, in France, the great fiefs, which 300 years before had been, in all but name, independent principalities, had been annexed to the Crown ; the States-General had long ceased to interfere in the direction of affairs ; and the Huguenots had been effectually repressed : so that Louis XIV. was undoubtedly the most powerful sovereign in Europe. Under these circumstances, it was evidently the policy of England to have restrained the encroachments of France as much as possible ; but the court, prodigal of everything that concerned the interests of the nation, not only sold Dunkirk to Louis, but favoured his attempts to acquire Flanders or the Spanish Netherlands, to which he pretended a right in behalf of his wife, Maria Theresa, a Spanish princess. It was only when the popular indignation against this pseudo-French policy ran so high that it could no longer be resisted, that Charles sent instructions to his ambassador at Brussels, Sir William Temple, one of the most expert and accomplished diplomatists of that age, to form an alliance with Holland and Sweden for the purpose of maintaining the balance of power in Europe. This alliance, which was known as the Triple Alliance, was highly popular with all classes, and produced a general outburst of enthusiasm amongst the Round-heads, who described it as the only good thing that had been done since the King came to the throne.

1670.]—But Louis, who was as great a dissembler as he was a politician, finding that he could not prevail by force of arms, pretended to accede to the justice of the demands, and by the treaty of Aix-la-Chapelle (1668) consented to accept the cession of Lille, Tournay, and other places on the frontier, in lieu of his claim to the Spanish Netherlands. He at the same time sent an offer to his brother of England to supply him with money, or to do anything else in his power to please him, if Charles would but abandon his allies. Buckingham, who was ever greedy of gain, persuaded the King that it would be much easier for him to govern according to his will, and to gratify his favourite passions without the necessity of sub-

mitting his private affairs to the scrutiny of Parliament, if he should accept the proffered aid of the King of France. The alliance with Holland was consequently broken off, and a secret emissary was despatched to Paris to apologise to Louis for the Triple Alliance: that crafty monarch readily accepted the apology, and sent the Duchess of Orleans, as his agent, to meet the King, her brother, at Dover, with an offer to supply the King of England with a pension of £200,000 a year, equal in value to half a million at the present day, and 6,000 men, on condition that he should join with him in a war against Holland. It was agreed by the Treaty of Dover, as this buccaneering enterprise was named (June 1, 1670), that France should seize the greater part of the United Provinces, that England should have the larger portion of Zealand, with Ostend, Minorca, and part of the Spanish provinces in South America; while a Bourbon prince should be supported by the two powers on the Spanish throne, and abandoning part of the Spanish empire as the price of his quiet possession. It was further stipulated by the secret articles of this treaty, that when the reduction of Spain should have been accomplished, Charles, with the aid of a French army, should establish an absolute monarchy in England, and restore the Roman Catholic religion, which he, together with his brother, the Duke of York, had lately embraced, and should make it the religion of the state; thus conspiring at once both against the liberties of Protestant Europe and the free constitution of his own kingdom. "Had this treaty," says Lord Brougham,* "been publicly known, the history of the Government of the Stuarts would doubtlessly have terminated with the year 1670. The calling in of William at that time would have been, on every principle, equally justifiable; and the expulsion of the restored family would have been an act still more necessary for saving both the liberties of Englishmen and the independence of their country; for that which James's proceedings never even threatened, was absolutely sacrificed by Charles—the national security as against France."

It was certainly fortunate for this country that the suspicions raised in Louis's mind, by the vacillating conduct and apparent bad faith of Charles, prevented the prompt performance of the conditions thus entered into. Had a well-appointed French army entered England, while abundant supplies of money supported the tyrant, he would have had only to keep on gratifying the Established Church with means of oppression towards the Dissenters, and to have remained wholly inactive in his support of the Catholics, and his work of usurpation

* Brougham, *British Const.* chap. vii. p. 95.

would have been complete. The abominable acts excluding all Nonconformists from corporations, and preventing them from ever coming within five miles of any corporate town, had won prodigious favour in the eyes of the clergy; and Charles had no such bigoted zeal for the religion which he secretly had embraced, or rather, which he was in the course of adopting, as to risk “going upon his travels again,” by giving it open and offensive protection; but that improvidence which had ruined all his former plans, prevented him from following the only course which could have given him success.

1672.]—The third Dutch war was conducted with negligence and dishonesty, and only brought with it shame and confusion. Before any declaration of war had been made, the English admiral, Holmes, was ordered to surprise the Dutch fleet returning from Smyrna with a rich cargo, estimated at £1,500,000; but the Hollanders, who had gained a suspicion of the designs of their neighbours, put their naval commanders on their guard, and when the English attacked them in the Channel (March 3, 1672), they defended themselves with such bravery that only five of their vessels were captured. This piratical enterprise (of which the disgrace was aggravated by its failure) was condemned both at home and abroad; and several engagements were afterwards fought, but with indecisive effect. The French, indeed, overran the whole of the United Provinces with an army of 100,000 men; but they were nobly resisted by the Hollanders, under the valiant Prince of Orange, who, although only twenty-two years of age, had been made General and Admiral of the Commonwealth. This remarkable man had been excluded, by the terms of the Perpetual Edict, from ever succeeding to the dignity of stadtholder; he was, however, beloved by the people, and in accordance with his advice they determined to maintain their independence to the last, and, if every hope should fail, then to betake themselves to their settlements in the East, and there found a new empire. Affairs, fortunately, soon began to brighten; Spain sent a reinforcement to the aid of the Prince, and the Emperor of Germany, alarmed at the progress of the French arms, threatened to invade France in the South; while the English failed in all their attempts to land forces in the Low Countries; and after a series of indecisive engagements, in which the only advantage gained by England was the honour of the flag, a separate treaty was entered into with Holland, in defiance of the solemn pledge which Charles had given to Louis. The consequence was that England was alike hated and despised by both countries. “The first Dutch war,” observes Fox,* “had been undertaken against all maxims

* History of the Early Part of the Reign of James II.

of policy as well as of justice; but the superior infamy of the second, aggravated by the disappointment of all the hopes entertained by good men from the Triple Alliance, and by the treacherous attempts at piracy with which it was commenced, seems to have effaced the impression of it, not only from the minds of men living at the time, but from most of the writers who have treated of this reign. The principle, however, of both was the same, and arbitrary power at home was the object of both. The second Dutch war rendered the King's system and views so apparent to all who were not determined to shut their eyes against conviction, that it is difficult to conceive how persons who had any real care or regard, either for the liberty or honour of their country, could trust him afterwards." The only thing which saved the Government from a general bankruptcy was the seizure of the Giro Bank, which had been formed by the merchants for the convenience of commerce. To understand this transaction, we must observe that the merchants and other wealthy citizens had been accustomed, since the time of Charles I., to pay their money into the hands of the Goldsmiths' Company, who gave them six per cent. on the deposit, and lent the same again to the Government, or to private individuals, at eight or even ten per cent., so that the Goldsmiths' claim was now about £1,300,000, and the interest of the national debt £100,000; to defray this and to provide for the exigencies of the war was impossible without calling a Parliament—a course which the Government was loath to resort to under the present aspect of affairs; a proclamation was therefore issued by the Exchequer, declaring that the payment of capital from the treasury for the present should be suspended, but interest allowed at six per cent. This unadvised measure produced a general panic in the mercantile world, and reduced many bankers and wealthy families to poverty, while those who lived upon the interest of their money, among whom were widows and orphans, suffered most severely from the change, as it deprived them of their only means of livelihood.

1673.]—Scarcely less unjustifiable, and certainly more impolitic, was the publication at this time of the Declaration of Indulgence, which professed to grant liberty of conscience equally to all, and to suspend the penal statutes which had been enacted as well against Nonconformists as Catholics; but the real object of this measure could not be disguised: it was well known that the Duke of York was an avowed Papist, and it was suspected, not without foundation, that the King had a secret bias towards the Church of Rome. This Declaration therefore produced an intense sensation throughout the whole nation, but, as Parliament was

shortly to assemble, no hostile manifestations took place: the people, however, took pains to return ultra-Protestants to the vacant seats, and when Parliament met on the 5th of February, 1673, after a recess of a year and a half, the Commons exhibited a firm and independent spirit, such as had not been manifested since the Restoration. The members who had been returned on writs issued by the Chancellor were refused admission, and order was given to the Speaker to issue new writs; but as no opposition was offered by the Government to this assertion of privilege, the Commons proceeded, without further delay, to the Bill of Subsidy, and voted the unprecedented sum of £1,260,000 for the Dutch war. The next question taken into consideration was the Declaration of Indulgence, which the Commons declared to be an infringement of the liberties of Parliament: they laid it down as a constitutional principle, that the King had a right to pardon when the law had been violated, but by no means the power to suspend, even in ecclesiastical matters, the execution of the laws; and it being put to the vote, it was decided by a majority of 168 to 116, "That penal statutes in matters ecclesiastical cannot be suspended but by act of Parliament." The King made a show of resistance, and threatened to dissolve the Parliament, a course to which he was strongly persuaded by the Duke of York and the more violent of the Tory party, who asserted that concession had ruined his father and would ruin him; but Colbert, the French ambassador, who had received explicit instructions from his court on this contingency, recommended the King to a moderate course, assuring him that as soon as the Dutch war should be ended, his master would assist him with all his might in recovering any rights which the Crown might have lost, but that, in the present position of affairs, any attempt to interfere with religion would be most hazardous, nine-tenths of the English people being Protestants, and violently opposed to the Roman Catholic creed. In accordance with this advice, Charles cancelled the Declaration of Indulgence, and assured the Commons that what had been done should never be drawn into precedent; but they were not thus easily to be satisfied, and introduced a bill to test the religious professions of every person holding any public office, whence it was called the Test Act. By this measure it was required that every person holding any office of trust or emolument should, besides taking the oaths of allegiance and supremacy, receive the sacrament according to the rites of the Church of England, and should subscribe a declaration against transubstantiation. All persons neglecting to do so to be fined £500, and be rendered incapable of suing in any court of law, of being a guardian, or of taking a legacy. Even the Protestant Dissenters, on whom

this measure threatened to fall with equal severity as on the Papists, supported its passage, in the hope that they might thus resist the progress of the common enemy, and in consideration of their self-devotion, the Commons promised to bring in a bill for their relief; but before this law could be passed, the King, who had obtained his subsidies, prorogued the Parliament, and thus the proposed toleration became the very reverse—the Dissenters as well as the Papists were now excluded from all public employments.

The Duke of York, who could no longer evade the strict letter of the law, repaired to the King, and, with tears in his eyes, resigned all his commissions: but this was only the commencement of his troubles: when Parliament met again, at the end of October, the question of the Duke's marriage with the Princess Maria d'Este, sister of the Duke of Modena, was brought under discussion. The Commons inveighed bitterly against the heir to the Crown having been married without their consent, and that, too, to a Catholic princess: they even addressed the King to prevent the consummation of the match; but he replied that his honour was pledged, and that, as it was already concluded by proxy, he could not interfere. The Commons, notwithstanding, passed a vote refusing supplies, and demanding that several persons, suspected of being favourable to Popery, should be dismissed from the royal councils. The King, exasperated at these violent proceedings, went down to the Lords (Nov. 4) and prorogued the Parliament till the following January.

1674.]—When Parliament again met, in the spring, the Cabal ministry was superseded by that of the Earl of Danby, and an inquiry was instituted into the conduct of the war, which disclosed such malversation that the Commons decided immediately on impeaching the several ministers who had been concerned in it: the Duke of Lauderdale was the first to be attacked; the charges against him were a design to set up arbitrary power in England, and an attempt to raise an army in Scotland; a similar accusation was brought against Buckingham, and both were dismissed from the royal presence and councils for ever.

A proposition was then made to open negotiations with the United States, and Sir William Temple was commissioned from the King to undertake this mission; the result of which was the conclusion of the treaty of Westminster (February 19), by which the honour of the flag was conceded to England, and the Dutch agreed to pay 800,000 crowns in four yearly instalments as a compensation towards the expenses of the war; to refer the disputes of the merchants trading to India to arbitration, and to suffer the English settlers in Surinam to retire with their effects. The whole

of the English troops, however, were not recalled from the French service; and the King again applied to Louis for a pension of 500,000 crowns, in order to avoid the necessity of meeting the Parliament, the next session of which he expected to be very stormy, on account of the abrupt manner in which the last two sessions had been closed.

1675.]—The evil was, however, only deferred, for the money furnished by France was inadequate to supply the lavish expenditure of the court, and in the next year (1675) Charles was again compelled to meet his Parliament; he had, however, in the meantime, taken every precaution to mitigate their resentment, by publishing a severe edict against all priests and recusants; by causing his two nieces, the daughters of the Duke of York, to be confirmed in the Anglican Church; and by entertaining a project of marriage between the eldest of them, the Princess Mary, and the brave Prince of Orange, who was exceedingly popular in England, and was known to be a staunch Protestant. These concessions to the popular voice, however, failed to render the Parliament so obliging as Charles could have wished. The Commons endeavoured to renew the impeachment against Lauderdale, who was still continued in office, and even preferred seven articles against Danby, the new Lord Treasurer. Buckingham, Shaftesbury, Salisbury, and Wharton, now become Whigs, united in opposing their influence and talent against the measures of the Government. The bill imposing a new test, called “the non-resisting Test,” by which every member of Parliament, and every person holding office, was to be required to take an oath that he abhorred the traitorous doctrine of bearing arms by the King’s authority against his person, and that he held it unlawful to propose any alteration in church or state, called forth the vehemence of their invective. After a protracted debate of seventeen days, during the greater part of which the King, agreeably to an ancient custom lately revived, was present in the House of Lords, the bill was passed by a majority of only two. A dispute then having arisen between the two Houses respecting the right of the Lords, as the highest judicial authority in the realm, to summon members of the Lower House to give evidence before them, the King took this opportunity of again proroguing the Parliament, without waiting for the new Test Act to be passed through the Commons.

1676.]—In this interval a considerable change had taken place in the aspect of foreign affairs: the French arms, both in Holland and Germany, had met with reverses, and the famous General Turenne had been slain. Charles thought this an opportune moment to offer his mediation, which was partially

accepted by the belligerents, but only with the view of gaining time, either party being desirous, at any price, of securing the assistance of England. The allies urged the necessity of imposing limits to the ambition of Louis XIV.; but the French King relying upon the means which he had so often before found effectual in securing the connivance of Charles, directed his ambassador, Ruvigni, to offer the renewal of the pension of £100,000 a year, which would enable Charles to avoid the disagreeable necessity of meeting his Parliament. A secret treaty was accordingly entered into between the two monarchs, only known to the Duke of York, Lauderdale, and Danby, by which it was stipulated that neither of them should enter into any engagement except by mutual consent, and that in case of any disturbance breaking out in either of their dominions they should aid each other with money and troops. The effect of this secret alliance was, that Charles postponed the assembling of Parliament as long as he could safely do so by law; but at length, when the great council or the nation met, after an interval of fifteen months, the Commons called the attention of the King to the danger to which the peace of Europe would be exposed, if Louis, who had already taken Valenciennes, Cambray, and St. Omer, were permitted to reduce the rest of the Netherlands; he replied by the demand of £600,000, which the Commons indignantly refused, and voted an address, praying him to enter into an alliance with the States-General and the other allies, whereby the peace of Europe might be preserved without any such sacrifice on his part. The King, who was only desirous of making the best pecuniary bargain he could, affected extreme displeasure at this interference with his prerogative, and dismissed both Houses till the ensuing December, when, he said, he hoped they would repent of the evil course into which they had been led by some designing men, alluding no doubt to Buckingham, Shaftesbury, Salisbury, and Wharton, who had been committed to the Tower, at the beginning of the session, for calling in question the legality of postponing the convocation of Parliament for more than a year, which they asserted to be contrary to several statutes of Edward III. This important question, which was originated in the House of Lords, had at one time threatened the dissolution of the Parliament; but Sir Heneage Finch (now Lord Chancellor and Earl of Nottingham) volunteered his services to prove, to the satisfaction of their lordships, that the term for the assembling of Parliament had been extended to three years by the Triennial Act of the 16th Charles I., and by the statute of the present reign which repealed that act: his evidence was

admitted as conclusive, and those who had mooted the question were committed to prison till they should beg pardon of the King and of that House upon their knees, which they did at the commencement of the next session.

1677.]— The King's object was now accomplished—he had succeeded in getting rid of his Parliament without having been compelled to pledge himself to assist the States, and he immediately despatched a messenger to Louis, assuring him that it would be impossible for him to resist the demands of the Commons, when they met again, unless he was well supplied with money to bribe the leading members; he therefore required that his pension should be increased by £100,000, which, after some delay, was conceded by the French monarch, who knew that if Charles should give his consent to the marriage of the Princess Mary with the Prince of Orange, as he was urged to do by the Parliament, there would be no possibility of preventing the renewal of the Protestant coalition. When this match was first proposed to the Prince by the English ambassador, Sir William Temple, he hesitated to give any encouragement to it: "I know," said he, "that, situated as I am, it will be incumbent on me some time or other to be married; but, at the same time, I am thoroughly determined that no consideration of political expediency shall induce me to tie myself to a woman with whom I cannot look forward to a reasonable prospect of domestic happiness;" but subsequently, learning that the Princess was a devout Protestant, and every way worthy of his love, he entertained very different sentiments, and requested permission, at the end of the campaign, to visit her in England. Charles readily assented, and the religious scruples of the Duke of York, her father, having been overcome, the ceremony was performed by the Bishop of London, on the 4th of November, 1677.

An alliance offensive and defensive was then concluded with the States, in which the other allies were included; and Louis was told, when he complained of breach of faith, that he might think himself fortunate that the King had not assented to the petition of Parliament, which had offered to furnish a fleet of ninety sail and an army of 30,000 men, if the King would cordially enter into a war with France. Louis, who well knew how to recede as well as to advance, accepted the apology with apparent good grace, but stopped the payment of Charles's pension, instructing Barillon, at the same time, to employ the money in bribing the leaders of the Opposition, which he did with such good effect, that the King's proposal to fix the annual revenue, once for all, at £300,000, was rejected by the Commons,

and the King was again left dependent on his own resources and such supplies as he might draw from France.

The policy of Louis, in these double dealings with the King and the country party, is sufficiently evident: he had no sincere desire, as the Duke of York justly observed, to see England one united empire under an absolute and powerful monarch, nor yet to see it a republic; his object undoubtedly was to cherish discord and disunion between the King and the people, so that he might be able to play the two parties against each other, and thus be freed from interruption on the side of England in his project of extending the frontiers of France to the Rhine, and establishing a dictatorship over the rest of Europe. The conduct of the Opposition, however, in receiving bribes from a foreign minister to betray the interests of their country,* is certainly, on every principle of morality, as little justifiable as that of the King. It has been urged in their defence, that they only acceded to the proffers of the French ambassador to obviate the necessity of maintaining a large standing army, which they considered incompatible with the existence of a free constitution, and feared that it might be turned to the worst of purposes; but such a committal of actual evil to effect a questionable good, is certainly deserving of the severest censure, even if it can be seriously thought that men like Hollis and Sidney could ever have entertained such visionary notions. The most that can be said in their defence is, that, in pursuing a good object, the defence of the national liberties, they were not over-scrupulous as to the means to be employed.

1678.]—Hostilities, however, had been actually commenced, and Charles, who found the advantage of a standing army, showed no disposition to disband it, although several times requested so to do by the Commons, who, influenced by the money of Barillon, and perhaps fearful lest the army might be turned to the disadvantage of the state, now were anxious for the restoration of peace, and the discharge of the military force. The war on the Continent consequently dragged on for several months longer, but, all parties being weary of the struggle, peace was eventually concluded by the Treaty of Nimeguen, by which France and Holland mutually agreed to give back the places they had taken, except Franche-Comté, and sixteen fortresses in the Netherlands, which were to be retained by Louis.

* Barillon, in 1680, speaks of having given various sums to the popular leaders, as 1,000 guineas to Buckingham, and sums of 500 or 300 guineas to Algernon Sidney, Sir Thomas Littleton, Mr. Garraway, Mr. Hampden, and others.—Hallam, *Const. Hist.* ii. p. 547.

CHAPTER XXVI.

THE LAST TWO STUARTS.

CHARLES II. A.D. 1660—1685 (*Continued*).

PERIOD II. A.D. 1678—1685.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XIV., 1643-1715. *Germany*—LEOPOLD I., 1658-1705.
Spain—CHARLES II., 1665-1700. *Pope*—INNOCENT XI., 1676-1689.

1678—Fear of a Catholic succession—Popish Plot—Aversion to the Church of Rome, political rather than theological—Expulsion of Catholics from the House of Lords—Attempt to change the succession.

1679—Impeachment of Danby—Dissolution of Parliament—Electioneering tactics—Banishment of the Duke of York—The prerogative of pardon taken away in the case of Parliamentary impeachment—Remodelling of the Council—Opposition of the Commons—Exclusion Bill—Habeas Corpus Act—Dissolution of Parliament.

1680—Origin of the parties of Whigs and Tories—Insurrection in Scotland—Indictment of the Duke of York—Rejection of the Exclusion Bill by the Lords—Ministerial impeachments—Execution of Stafford—Profligacy of politicians.

1681—Parliament at Oxford—Rejection of the King's proposals for settling the succession—Fall of the country party.

1683—Confiscation of corporate charters—Detection of the Whig conspiracies—Execution of Russell and Sidney—Tory reaction.

1684—Opposition of Halifax in the Council—Influence of the Duke of York—Position of ministers in the seventeenth century not the same as at present.

1685—Death of the King—Character and policy of Charles II.

1678.]—The popular dissatisfaction which the mal-administration of Charles's Government had produced was further augmented by the prospect of a Catholic succession, and the presence of a standing army, which, although the war was finished, had not been disbanded. The country party were dejected, and began to think that further resistance to the court was hopeless. In this state of feverish excitement, the populace were ready to believe any evil tidings which might have the slightest shadow of foundation; and a circumstance soon occurred, which, as it coincided with their previously entertained fears, threw the nation into the utmost consternation. During the

recess of Parliament, as the King was walking one day (August 12, 1678) in St. James's Park, he was accosted by a stranger in a foreign garb, who warned him, as he loved his life, immediately to return home and take council for his preservation, as there were three men who had bound themselves by a solemn vow to effect his ruin. The King, who was above such low suspicions, treated the matter with the indifference it deserved; but Shaftesbury, who, since his dismissal from office, had put himself at the head of the Opposition, called public attention to it as a matter of great importance, concerning not only the person of the King, but the safety of the realm; and so soon as Parliament met (October 21), a searching investigation was instituted into the whole affair. The Commons declared that it was a matter which ought not to be left to the decision of the ordinary courts, and cited Titus Oates, who had been revealed by Dr. Tonge as the person from whom he originally received the papers relating to the plot, to appear before a select committee, and answer such questions as might be put to him. The statements of the witnesses were extremely contradictory, and some of their assertions proved evidently false; but the progress of the investigation brought to light some circumstances which lent a slight sanction to these suspicions. The Duke of York's secretary, Coleman, was one of the persons accused of being concerned in the conspiracy, and upon searching his papers several letters were found addressed to La Chaise and St. Germain, wherein he rejoiced "that a mighty work was in hand, which promised no less than the conversion of the three kingdoms to the Catholic faith, and by that perhaps the utter subduing of a pestilent heresy, which had a long time domineered over a great part of this northern world."

This allusion had no reference whatever to the Popish Plot, as this imaginary conspiracy was named, but related to the favourable disposition which Charles was known to entertain towards the Romish Church; for, as Mr. Hallam judiciously observes, "There was really and truly a Popish plot in being, though not that which Titus Oates and his associates pretended to reveal; but one alert, enterprising, effective, in direct operation, against the established Protestant religion in England. In this plot, the King, the Duke, and the King of France were chief conspirators; the Romish priests, and especially the Jesuits, were eager co-operators." This, however, was quite distinct from the tissue of silly falsehoods which imposed upon the popular credulity. The arrests went on apace; so that, in a short time, above 2,000 suspected persons, including five peers, were thrown into the city prisons. It was in vain that these unhappy persons,

who were accused by the vile calumny of the two perjured rogues, Oates and Bedloe, declared their innocence and brought unexceptionable evidence to prove it. The popular frenzy against Roman Catholics was so great that the integrity, humanity, and loyalty of their past lives availed them nothing. "The evidence," says Macaulay,* "which a Roman Catholic produced in his favour proved only how little Popish oaths were worth.† His very virtues raised a presumption of his guilt; that he had before him death and judgment in immediate prospect, only made it more likely that he would deny what, without injury to the holiest of causes, he could not confess. Among the unhappy men who were convicted of the murder of Godfrey was one Protestant of no high character, Henry Berry. It is a remarkable and well-attested circumstance, that Berry's last words did more to shake the credit of the plot than the dying declarations of all the pious and honourable Roman Catholics who underwent the same fate."

Under ordinary circumstances, it would be difficult to account for so violent an outburst of popular feeling; but when we consider more closely the peculiar position of the English nation at that time, and the relation in which England stood to the leading doctrines of the Romish Church, we may perhaps find some explanation of this otherwise unaccountable phenomenon. "The extreme antipathy and dread," says the same writer, "with which the people regarded the Romish religion was not to be ascribed solely or chiefly to theological animosity. That salvation might be found in the Church of Rome, nay, that some members of that church had been among the brightest examples of Christian virtue, was admitted by all divines of the Anglican communion and by the most illustrious Nonconformists. It is notorious that the penal laws against Popery were strenuously defended by many who thought Arianism, Quakerism, and Judaism more dangerous, in a spiritual point of view, than Popery, and who yet showed no disposition to enact similar laws against Arians,

* Macaulay, *Hist. Eng.* ii. p. 7.

† This view is fully supported by the authority of Mr. Hooke, the Roman historian:—"Lord Chief Justice Scroggs, hearing the testimony of Oates concerning a consultation among the Papists in London, at which Oates swore he himself was present, disproved in the fullest manner by several persons who came over from France for the purpose, and who all swore to their having seen Oates at St. Omer on the very day he pretended to have been in London; to one of them, who, on cross examination, said, 'he was certain Oates was at St. Omer on that day, if he could believe his own senses,' replied, that 'all Papists were taught not to believe their senses;' and so set aside the testimony of all the witnesses who had sworn to that fact."

Quakers, or Jews. It is easy to explain why the Roman Catholic was treated with less indulgence than was shown to men who renounced the doctrine of the Nicene fathers, and even to men who had not been admitted by baptism within the Christian pale. There was among the English a strong conviction that the Roman Catholic, where the interests of his religion were concerned, thought himself free from all the ordinary rules of morality, nay, that he thought it meritorious to violate those rules, if, by so doing, he could avert injury or reproach from the church of which he was a member. Nor was this opinion destitute of a show of reason. It was impossible to deny that Roman Catholic casuists of great eminence had written in defence of equivocation, of mental reservation, of perjury, and even of assassination. Nor, it was said, had the speculations of this odious school of sophists been barren of results. The massacre of Saint Bartholomew, the murder of the first William of Orange, the murder of Henry IV. of France, the numerous conspiracies which had been formed against the life of Elizabeth, and, above all, the Gunpowder Treason, were constantly cited as instances of the close connection between vicious theory and criminal practice. It was alleged that every one of these crimes had been prompted or applauded by Roman Catholic divines. The letters which Everard Digby wrote in lemon juice from the Tower to his wife had recently been published, and were often quoted. He was a scholar and a gentleman, upright in all ordinary dealings, and strongly impressed with a sense of duty to God. Yet he had been deeply concerned in the plot for blowing up King, Lords, and Commons, and had, on the brink of eternity, declared that it was incomprehensible to him how any Roman Catholic should think such a design sinful. The inference popularly drawn from these things was that, however fair the general character of a Papist might be, there was no excess of fraud or cruelty of which he was not capable when the safety and honour of his church were at stake." Under these impressions, it is easy to see how the multitude might have been misled into the belief of all the absurdities of the Popish Plot; but that Charles, who was never for a moment deceived by the imposture, should have condemned men to death, merely because it was gratifying to his popularity, is a degree of baseness to which we should never have believed a King of England would have stooped, were it not established beyond contradiction by the concurring testimony of history.

While the religious frenzy was at its height, the Parliament passed a bill called the "Papists' Disabling Bill," excluding all Catholics from Parliament and from the royal presence, upon

which one-and-twenty Catholic peers lost their seats in the Upper House, and for a century and a half their descendants continued to be excluded. It was with difficulty that the Duke of York was exempted from the operation of this measure; and Titus Oates, emboldened by his success, and by the grant of £1,200 a year, which had been bestowed upon him by Parliament, ventured to bring an accusation against the Queen, charging her with being accessory to the plot for murdering her husband and setting up the Roman Catholic religion. Absurd as was this calumny, it was nevertheless entertained by Shaftesbury and several leaders of the Parliament, who wished to make political capital of it, in order to ruin the Duke of York: an address was accordingly voted to remove the Queen and her attendants from Whitehall; but the Lords, having examined the two witnesses, Oates and Bedloe, refused their co-operation, and the absurd and unfounded charge was dropped. The object of the country party, in supporting this groundless accusation against the Queen, was sufficiently evidenced by the conduct of the leaders of the Opposition, who, having mortally offended the Duke, saw that their only safety lay in procuring his exclusion from the throne; but this could only be accomplished either by obtaining the concurrence of the whole legislature in an Act of Exclusion, or by persuading the King to marry again, in hopes of a legitimate issue, which would secure the nation from the danger of a Catholic succession. This latter course was certainly the most convenient, if not the most honourable, and as the voluptuous character of his Majesty was well known, they thought to experience little difficulty in the matter; but Charles, contrary to his usual levity, declared that "It was his intention to stand by his Queen to the last; and that, considering his faithlessness to her in other respects, it appeared to him a horrible crime to desert her in this extremity."

1679.]—Shaftesbury, finding that there were no hopes of persuading the King to a divorce, and having failed in the impeachment of the Queen, determined to bring in a bill transferring the right of succession from James to his eldest daughter, Mary, as being the nearest Protestant heir; but before this could be accomplished it was requisite to ruin the treasurer Danby, who was a firm supporter of the royal prerogative and adverse to any change in the succession. The Commons therefore, at his instigation, renewed the charges which had been preferred against the treasurer in the last session, and Montague (who was in league with Barillon, the French ambassador) read a letter to the House, in which Danby proffered to Louis the King's good offices "in procuring such a peace as might be advantageous to France," on the express

understanding that Louis should pay the sum of 6,000,000 livres to Charles annually for three years. Nothing could be more scandalous than this barter of the nation's honour and independence for foreign gold, but the fact was proved beyond a doubt, and Danby did not even deny it: he pleaded the King's signature, which ran in these words: "This letter is writ by my order, C.R." The Parliament, as in duty bound, paid no regard to this authority, but proceeded the more vehemently in the prosecution against the minister, who, by a fundamental principle of the constitution, was alone answerable for the offence. The King was willing to dismiss his minister, but he entirely refused to suffer the impeachment to proceed, fearing, no doubt, lest, in the progress of investigation, matters should be brought to light which might cause himself extreme personal annoyance and embarrassment; he therefore dissolved the "Pension Parliament" (January 24, 1679), which had been in existence from the beginning of the year 1661, and, from the number of Cavaliers it contained, has been styled, "The most loyal Parliament that had ever met in England."

The utmost excitement now prevailed throughout the whole country, and the contention at the elections was so obstinate that nothing similar had previously been experienced. New tactics were employed by either party to gain a majority, vast sums of money were expended in bribery, horses were hired at great charge for the conveyance of electors from distant parts of the realm, and the practice of splitting freeholds for the purpose of multiplying votes was now first resorted to. The tide ran strong against the Government, and the King, foreseeing the danger that the new House of Commons would prove still more refractory than the last, endeavoured to persuade his brother, the Duke of York, to be reconciled, if only in external form, to the Anglican Church; but the Duke, who was sincerely religious, although a libertine, obstinately refused all compromise, and asserted that he would rather quit the kingdom than abandon his religion. Charles warned him of his danger, and advised him to retire to Brussels; but, at the same time, assured him that he would not sanction any infringement of his rights during his absence.

The spirit of the Commons, however, was by no means allayed; they at once proceeded with the impeachment against Danby, who had meantime been deprived of his offices and banished the King's presence. The unfortunate minister pleaded the King's pardon; but, as this had been granted before sentence, or even inquiry, the Commons declared it illegal, and during the angry discussion which ensued, the important question was brought forward, whether the Crown had a right to pardon when the

House of Commons had impeached ; even moderate members were of opinion that it was desirable that a law should, in this case, preclude pardon, and the Bill of Attainder was proceeded with. The Lords in vain endeavoured to avoid the difficulty, by passing a bill for his banishment ; but the Commons rejected it, and voted, "That there was no precedent of a pardon granted to any person impeached by the Commons of high treason, or other high crimes, pending the impeachment." The Lords were, therefore, at length compelled to give way, and Danby was committed to the Tower. In this embarrassment the King sent for Sir William Temple, who recommended the remodelling of the Privy Council, on such a basis that the annual income of its members, who were to be reduced in number from fifty to thirty, might be equal to that of the Commons, which was estimated at about £400,000 per annum, for it was then the universally admitted maxim in politics, that influence and property were reciprocal, and as the leading popular members of both Houses were to be included in the number of councillors, it was thought that a counterpoise might thus be created to the power of the Lower House.

The King, however, if he thought by this means to crush the popular party, was miserably deceived ; the Protestant spirit of the nation was too deeply rooted to be thus easily overcome ; and Shaftesbury, although he filled the important office of President of the Council, still continued to lead the Opposition, and succeeded in getting a resolution minatory of the Duke of York passed without a dissentient voice. It was to no purpose that the King proposed such limitations on the power of a Catholic successor as might effectually secure the interests of Protestantism : "I am ready," said he, "to consent to any laws of this kind, so as the same extend not to alter the descent of the Crown in the right line nor to defeat the succession ; and for this purpose I propose that provision may be made, first to distinguish a Popish from a Protestant successor ; then so to limit and circumscribe the authority of a Popish successor that he may be disabled from doing any harm." The Commons, however, were inexorable, and instead of acknowledging the royal clemency by an address of thanks, as was done by the Lords, they passed a vote declaring that the constituent power inherent in Parliament was unlimited, and that it extended to all objects relative to the public welfare, consequently even to the succession to the throne, and that it was not bound by any fundamental law. In accordance with this resolution, Lord Russell introduced a bill formally declaring that the Duke was disqualified from succeeding to the Crown, and providing that, in the event of the King's death or resignation, the

sovereignty of these kingdoms should devolve upon the next Protestant heir, as if the Duke of York were already dead. The Exclusion Bill passed through committee, and notwithstanding the strenuous efforts of the court party, the friends of the Duke, and the supporters of hereditary right, it was read a second time, and passed by a majority of seventy-nine.

The King could no longer endure this interference with his private concerns, as he pleased to term it, and to prevent the bill from becoming law, first prorogued the Parliament and then dissolved it; but not before he had given his assent to a measure which, although it introduced no new element into the constitution, yet, by the efficacy it gave to existing laws, may be considered one of the bulwarks of English liberty: this was the famous Habeas Corpus Act, so named from the first words in which the writ ran. Hitherto the operation of the writ of Habeas Corpus, which had existed from a very remote period as the constitutional safeguard against illegal imprisonment, had been so ineffective, that the boasted security which it offered to personal liberty mostly proved illusory in cases where the Government was concerned; but by the statute 31 Car. II. c. 9, it was made imperative on the Lord Chancellor, or any of the twelve judges, to grant a writ, by which the gaoler is directed to produce in court the body of the prisoner, and to certify the cause of his detention and imprisonment; the practice of sending persons to prisons beyond sea was forbidden under severe penalties; and it was directed that every prisoner must be indicted the first term after his commitment, and brought to trial in the subsequent term. A law so favourable to the subject's liberty is not to be found in any Government except that of Britain, and has induced Charles Fox, in his admirable fragment of the "History of the Stuarts," to assert that "their reign was the age of good laws but of bad administration."

1680.]—The long-continued opposition between the Parliament and the Crown, on so important a subject as the succession, had wrought the public mind into such a fervour that the whole nation seemed divided into two hostile camps, not differing only on particular measures, but on the whole theory of government. The country party, who were the opposers of the Crown, were called by their opponents Whigs, as being akin in their sentiments to the Scottish fanatics who were thus named: they retaliated by styling the Conservatives, or court party, Tories, as resembling the Popish robbers of that name in Ireland, which epithets have continued to designate the two rival parties in the state down to the present day; not that they have continued to hold the same principles, but that they have always occupied

the same relative position to each other and to the great body of the nation; the one representing the democratic or popular interest, the other the conservative or aristocratic. Each party, as is the case in most popular factions, had on its side a great deal of right and a great deal of wrong: most of the Tory party would have gone the length of supporting the monarch in the most arbitrary stretches of despotic power, while many of the Whigs would gladly have stripped him of all power whatever—so difficult is it for a statesman to steer a middle course; for by so doing he must not only encounter the hostility of the adverse party, but lose the support of his friends; it is thus, therefore, that we shall see the policy of the state in future incline either to the one or the other extreme, as circumstances and the disposition of the nation throw the power into the hands of the one or the other of these factions.

In Scotland, the popular discontent was manifested with still greater violence than in England; for the people of the western counties, exasperated at the re-introduction of Episcopacy and the ejection of the Presbyterian clergymen from their livings, took up arms, renewed the Covenant, and put Archbishop Sharp, who had proved himself a cruel and tyrannical prelate, to death. This was the signal for a general insurrection; the populace, headed by Hamilton, a zealous preacher, repulsed the troops of Graham of Claverhouse, who had barbarously attacked the conventicle at Drumclog, near Loudon Hill, and following up their successes, took possession of Glasgow; but the undisciplined multitude were unable to stand their ground against the regular troops of Monmouth, and were defeated at Bothwell Bridge, near Hamilton. The country was then delivered over to the sanguinary and rapacious Claverhouse, whose dragoons committed unheard-of atrocities on the unoffending people; the cottages of the poor were pillaged and burned, and the nobility were almost ruined by the exorbitant fines imposed upon them by the Court of Justiciary.

To avoid inquiry into these barbarous acts, and to shield the Duke of York, who had returned from the Low Countries, from prosecution, the King endeavoured to dispense with the calling of Parliament, and dismissed Shaftesbury from the presidency of the Council. But this only exasperated the popular party, who held a monster meeting in the metropolis, at which were present 200,000 persons. Petitions or addresses were now got up in all parts of the country, praying the King for a speedy meeting of Parliament, on the ground that the ascendancy of Popery and the establishment of despotism threatened to subvert the ancient institutions of the kingdom, and many even

went so far as to propose the legitimatising of the Duke of Monmouth, the King's natural son, who had been banished to the Low Countries for siding with the popular party, but was now returned to England, notwithstanding the express prohibition of the King, who deprived him of all his honours and employments. The Duke's popularity, however, was sufficient to prevent his being personally molested, and it began to be openly debated whether it would not be advisable to secure the exclusion of the Duke of York by his election to the Crown, the old adage being revived with prophetic significance, "The worst title makes the best king." The more sober part of the nation, however, saw extreme danger in so violent a course, and rallied round the throne; counter addresses poured in from all sides, assuring the King of the fidelity of the nation, and their abhorrence of the practices of those who sought to limit the undoubted prerogatives of the Crown.

Encouraged by this expression of popular loyalty, the King was in hopes to overcome the resistance of Parliament, if he could but obtain supplies, and he therefore commissioned his ambassador to apply again to Louis XIV. for aid; but this time he was disappointed, for Barillon, the French ambassador, having written to his sovereign, that "Charles had so much fallen in the public estimation as not to be worth the outlay of his money, which might better be employed in bribing the popular leaders," the overtures of the English ambassador were received but coldly, and the negotiation was finally broken off. The embarrassment of the King was now extreme, and the popular leaders, taking advantage of it, pressed the necessity of assembling Parliament, and preferred an indictment against the Duke of York, who had returned to England, before the grand jury for recusancy, which was sitting in Westminster Hall; the Chief Justice only succeeded in evading this information by a sudden dismissal of the jury; but Shaftesbury had accomplished his main object—the convincing of his friends that he was determined on admitting no compromise with the Duke. Numerous other lords now entered into the league, and the Duchess of Portsmouth, who possessed great influence over the King, was employed to offer him a large grant of money and the power of naming his successor, as had formerly been conceded to Henry VIII., on condition of his assenting to the Bill of Exclusion; but the King was firm in his resolve not to listen to any overtures which might have for their object a change in the succession, and was with difficulty persuaded to order James to quit the kingdom.

It was in vain that the King endeavoured to deceive the Par-

liament, which met on the 21st of October, by promising to listen to their complaints so soon as the vote of subsidy had been passed. The Commons, warned by experience, replied, "First the Exclusion, and then the money." The discussion proceeded with great warmth, and Dangerfield, the author of the Meal-tub Plot, a man of infamous character, who was endeavouring to imitate Titus Oates, appeared before the bar of the House, and accused the Duke of York of being cognisant of his having forged the plot, and of having encouraged him to kill the King. This fabrication of falsehoods was apparently admitted as satisfactory by the Commons, who immediately adopted a resolution, "To take into consideration how to suppress Popery, and to prevent a Popish successor." A new bill was accordingly introduced for the exclusion of the Duke of York, and notwithstanding the message of the King, "That he would not consent to alter the succession," it was read a third time, and passed by a large majority. Lord Russell carried it up to the Lords; but there it met with a firm resistance—the bishops were true to the cause of the prerogative, and the bill was rejected by a majority of sixty-three to thirty. The Duke of Monmouth, who was in hopes of inheriting the Crown, voted in the minority; for the popular leaders had led him to anticipate that, in the event of the Duke being disqualified, a bill might be introduced legitimatising his birth, and, as he was a favourite with the people, he felt so confident of success, that he incautiously appeared in public with the royal arms on his carriage, without the cross-bar, which marked his illegitimate descent—an indiscretion which, two years after, was adduced against him on his trial for treason.

The Commons, foiled in their design, now proceeded to impeach the chief opposers of the Exclusion Bill: Seymour was accused of malversation in his office of treasurer of the navy, Halifax excluded the King's presence, and the venerable Viscount Stafford, one of the Popish lords, who had lain for two years in the Tower, without even being admitted to a hearing, was brought before the House of Lords, and condemned, on the evidence of Titus Oates* and two of his perjured associates, by a majority of fifty-five to thirty-one, which shows to what extremes of madness and injustice a nation may be led by the fury of religious hatred; for the evidence against Stafford was such as would, under any other circumstances, have been de-

* In the subsequent reign, this wicked impostor was convicted of perjury, and condemned to the pillory and perpetual imprisonment, from which he was not released till after the Revolution, when his signal services and sufferings were rewarded with a considerable pension.

clared obviously incongruous and absurd. But the Habeas Corpus Act, which had secured life and liberty to every other section of the community, availed not to rescue the martyrs of the Popish Plot; they continued to pine away their lives in hopeless confinement, and above twenty are said to have perished on the scaffold. It is difficult to award the exact amount of blame which attaches to each party in this iniquitous proceeding. The people were certainly duped, but neither the King, the judges, nor the ministers were deceived as to the fallaciousness of the charges. The popular leaders, however, who countenanced the discovery of plots, and urged the execution of Papists merely as a means of political aggression, are certainly not the most excusable: with shame be it said, the great names of Russell, Capel, and Sidney must be included in this category. The only excuse which can be made for them is, the deleterious effect which political revolutions always exercise on the tone of public morality. "The end of the seventeenth century," says Macaulay,* "was the era of political corruption. The great statesmen of that age were exposed not only to the same noxious influences which affected the nation generally, but also to a taint of a peculiar and of a most malignant kind. Their character had been formed amidst frequent and violent revolutions and counter-revolutions. In the course of a few years they had seen the ecclesiastical and civil polity of their country repeatedly changed. They had seen an Episcopal church persecuting Puritans, a Puritan church persecuting Episcopalians, and an Episcopal church persecuting Puritans again. They had seen an hereditary monarchy abolished and restored. They had seen the Long Parliament thrice supreme in the state, and thrice dissolved amidst the curses and laughter of millions. They had seen a new dynasty rapidly rising to the height of power and glory, and then on a sudden hurled down from the chair of state without a struggle. They had seen a new representative system devised, tried, and abandoned. They had seen a new House of Lords created and scattered. They had seen great masses of property violently transferred from Cavaliers to Roundheads, and from Roundheads back to Cavaliers. During these events, no man could be a stirring and thriving politician who was not prepared to change with every change of fortune. It was only in retirement that any person could long keep the character either of a steady Royalist or of a steady Republican. One who, in such an age, is determined to attain civil greatness must renounce all thought of consistency. Instead of affecting immutability in the midst of endless mutation, he must be always

* Hist. Eng. i. p. 181.

on the watch for the indications of a coming reaction. He must seize the exact moment for deserting a falling cause. Having gone all lengths with a faction while it was uppermost, he must suddenly extricate himself from it when its difficulties begin, must assail it, must persecute it, must enter on a new career of power and prosperity in company with new associates. His situation naturally develops in him, to the highest degree, a peculiar class of abilities and a peculiar class of vices. He becomes quick of observation and fertile of resource. He catches without effort the tone of any sect or party with which he chances to mingle. He discerns the signs of the times with a sagacity which to the multitude appears miraculous, with a sagacity resembling that with which a veteran police officer pursues the faintest indications of crime, or with which a Mohawk warrior follows a track through the woods. But we seldom find, in a statesman so trained, integrity, constancy, any of the virtues of the noble family of Truth. He has no faith in any doctrine, no zeal for any cause. He has seen so many old institutions swept away, that he has no reverence for prescription. He has seen so many new institutions, from which much had been expected, produce mere disappointment, that he has no hope of improvement. He sneers alike at those who are anxious to preserve and at those who are eager to reform. There is nothing in the state which he could not, without a scruple or a blush, join in defending or in destroying. Fidelity to opinions and to friends seems to him mere dulness and wrongheadedness. Politics he regards not as a science, of which the object is the happiness of mankind, but as an exciting game of mixed chance and skill, at which a dexterous and lucky player may win an estate, a coronet, perhaps a crown, and at which one rash move may lead to the loss of fortune and of life. Ambition, which, in good times, and in good minds, is half a virtue, now, disjoined from every elevated and philanthropic sentiment, becomes a selfish cupidity scarcely less ignoble than avarice. Among those politicians who, from the Restoration to the accession of the House of Hanover, were at the head of the great parties in the state, very few can be named whose reputation is not stained by what, in our age, would be called gross perfidy and corruption. It is scarcely an exaggeration to say that the most unprincipled public men who have taken part in affairs within our memory would, if tried by the standard which was in fashion during the latter part of the seventeenth century, deserve to be regarded as scrupulous and disinterested."

Few executions appear to have taken place after that of Stafford (December 29, 1680), whose dying speech made a deep

impression on the crowd, and perhaps more than any other circumstance contributed to produce that reaction which overthrew the power of the Whigs, by showing the people that they had been made the dupes of political designs. When the venerable lord, who was now in his seventieth year, had addressed the populace at length, in vindication of his innocence, they exclaimed, "We believe you, my lord—God bless you, my lord!"

1681.]—The session, which had begun with so stormy a scene, continued its attacks upon the royal prerogative with a vindictiveness and perseverance which might well remind men of the days of 1641. Not only did the Commons, on the rejection of the Exclusion Bill, refuse to grant supplies, but they impeached four of the judges, demanded the dismissal of several persons, whose conduct they disapproved, from the King's service, and threatened to expel any of their members who should accept a place, or the promise of one, from the Crown. Such unaffected boldness naturally startled the King, who dissolved his third Parliament after a short sitting of three months, and issued writs for the assembling of a new Parliament at Oxford, where it was thought the influence of the city would not extend, while the ultra-loyalty of the university might be judiciously exerted in preaching the duty of passive obedience and the divine right of kings; but this expedient not proving so successful as had been anticipated, when the House met on the 21st of March, Halifax advised the King to try the effect of partial concession, and obtained permission to propose in the House a Regency Bill as a substitute for the Exclusion Bill, securing to the Duke the title of King, on condition that he should remain at least 500 miles from England, while the Princess of Orange, or, in the event of her death, the Lady Anne, should administer the government as Regent. The Commons were at first inclined to embrace this expedient, as a satisfactory compromise, securing the maintenance of religion and liberty, while it did not overthrow the monarchy; but, after a discussion of two days it was finally rejected, and they proceeded with the second reading of the Exclusion Bill. This was the opportune moment for dissolving the Parliament, which had only been sitting a week, and the King seized it; a liberal offer had been made by the Crown and rejected by the country party, so that their conduct now appeared to most men to have been purely factious, and calculated to convert the monarchy into a republic. The country, therefore, instead of assuming a sullen aspect, as had been frequently the case on a sudden dissolution of Parliament, resounded with loyal addresses, and the leaders of the Whig party found themselves abandoned to their own resources.

1683.]—In this state of things it appeared extremely probable

that the King, who was no longer in want of money, having obtained a renewal of his pension from France, and was much biassed by the influence of his brother, the Duke of York, would attempt to establish an absolute monarchy, and the arrests of Shaftesbury, Argyle, and Hamilton, seemed to countenance this suspicion. But all doubts were soon set at rest by the unprovoked attack of the Government upon the fundamental principle of English liberty—the right of self-government. The corporations had, as will be remembered, for more than three centuries, under the Plantagenets and the Tudors, opposed a successful barrier to the encroachments of the Crown, and notwithstanding the subserviency of the judges and the tyranny of the law-courts, the independence of juries and the freedom of elections had always been maintained; but if these strongholds of liberty could once be overthrown, the advocates of despotism saw that their great object would be accomplished, and that the people, divided amongst themselves, would be able to offer no effectual resistance to the influence of the court. The Duke of York, therefore, and those who sided with him, urged the King to issue a writ of inquiry, or *quo warranto*, against the city of London, requiring the citizens to produce their charter that it might be examined, to ascertain whether they had in every respect acted in conformity with it: an investigation being made, it was discovered that in some points the city had exceeded the limits of discretion, having levied a market toll by its own authority, and had circulated a printed petition against the prorogation of Parliament in 1679, from which the Crown lawyers inferred that the city had, by its breach of the charter, forfeited its privileges. The case was tried in the Court of King's Bench. The counsel for the city argued that a corporation never had been, and could not be, subject to forfeiture; that the acts with which the city was charged were both legal in themselves, but that, if any misdemeanor had been committed, those persons alone were amenable who had committed it, and not the corporation, which consisted of 50,000 individuals. But the judges were the mere tools of the Crown, and judgment was given (June 12, 1683), "That the franchises and liberty of the city of London should be forfeited and seized into the King's hands." Upon the humble petition of the Common Council, the charter was restored, but with this restriction, that the most important offices—viz., those of the Lord Mayor and Sheriffs—should in future be subject to the King's confirmation, and also that the King, when he had twice rejected the choice of a Mayor or Sheriff, might fill the office according to his own discretion. This mode of procedure, which had proved so successful with the most important corpora-

tion in the kingdom, was now generally applied, and the new Lord Chief Justice Jeffreys had an opportunity of showing his peculiar talent in inducing the different cities and corporations, partly by threats and partly by promises, to deliver up their charters. As there were few which had not been guilty of some irregularities, they were all fined and their charters regranted, the most important offices in the corporations being made thenceforward dependent on the confirmation of the sovereign, and for the first time were filled by the Crown nominees; so that there was no longer any fear of a Government prosecution being thwarted through the integrity or disinterestedness of a jury, and if a Parliament should be required, the King had the means of nominating two-thirds of the members.

The leaders of the country party naturally became alarmed at these unparalleled encroachments of the Crown on the people's liberties, and held frequent consultations as to the best mode of resisting the Government, in case, as seemed almost certain, it should aim at despotic authority. They even went so far as to organise a plan of revolt, which was to take place simultaneously in the capital and in the provinces; but as Essex and Russell, two men of extraordinary prudence and virtue, were at the head of it, we may rest secure that it was not intended to be put in practice, except in the last extremity: there were, however, other inferior agents who, although they were not admitted to the councils, were yet in the secret, and these men, as is usual in such cases, acted with little honesty and less discretion. Two of them, named Rumsey and West, without communicating with the heads of the party, formed a design with one Rumbold, an old officer of Cromwell's army, to shoot the King as he passed through Hertfordshire, at a place called the Rye House, near Hoddesden. This plot was discovered through the treachery of one of the accomplices, named Keeling; and on the evidence thus obtained, five of the council of safety, viz., Essex, Russell, Howard, Sidney, and Hampden were arrested, but the Duke of Monmouth and Lord Grey succeeded in making their escape.

The trial of Lord Russell, which came on at the Old Bailey, on the 13th of July, before Pemberton, Chief-Justice of the Common Pleas, excited extraordinary interest. A jury of citizens was empannelled to try him, but as the Crown possessed the power of nomination, through the sheriffs, little reliance could be placed upon their disinterestedness; and Russell, knowing the vindictiveness of the royal brothers, looked upon his fate as sealed from the moment of his arrest; not that he knew himself guilty of any offence which could be construed as treason, but that, under present circumstances, he thought his

acquittal to be impossible: he, nevertheless, conducted his defence with great spirit and energy, and when Rumsey, Shepherd, and Lord Howard were produced before him as witnesses, he succeeded in refuting the evidence of the two former, and convicted Howard of falsity, for Lord Anglesea swore that he had heard Lord Howard, with his own ears, assure the Earl of Bedford "that he knew nothing against his son, nor anybody else, of such a barbarous design; so that his lordship might be comforted in it." To the truth of which statement Mr. Howard and Dr. Burnet also deposed; but Lord Howard, as he could not deny his own words, explained them by saying that "it was his object, at that time, to have outfaced the King for himself and his party; but that since, having come to a better mind, he had resolved to state the whole truth." The evidence was admitted by the jury as conclusive; and on the following Saturday (July 14) sentence of death, by hanging and quartering, was passed upon Russell; but the King afterwards commuted it to decapitation, saying sarcastically, "Lord Russell shall now find that I can exercise that prerogative without asking his permission, which, in the case of Lord Stafford, he thought proper to deny me." The Earl of Essex had put an end to his own life, in order to save his estates from confiscation, and the remaining prisoner, Algernon Sidney, shared the fate of his noble friend; but of those who suffered, Russell was undoubtedly the man most to be admired: he was alike averse from the extremes of tyranny and democracy, a steady friend of constitutional government, and a man whose virtues and piety in private life have seldom been equalled, and never surpassed. At an early age, Lord Russell had been betrothed to the Lady Rachel Wriothesley, the daughter and heiress of the Earl of Southampton, so distinguished for his attachment to the royal family; and during the whole period of his troubles, this amiable and inimitable woman sustained him with her presence, and acted as his secretary during his trial. But neither gratitude nor pity had any place in the bosom of Charles; and although both Halifax and Dartmouth, Russell's political rivals, urged the former services of the Earl of Southampton, and the danger of provoking the resentment of so numerous and influential a family as the Russells, the King turned a deaf ear to their entreaties, and on Saturday, the 21st of July, Russell was executed in Lincoln's-inn Fields. Sidney's trial, if possible, was still more iniquitous than that of Russell; for the court not being able to find two witnesses against him, Judge Jeffreys persuaded the jury to condemn him on the sole evidence of Lord Howard, saying that the doctrines he had broached in his refutation of "The Patriarche" (a silly work in

favour of absolute monarchy, by Sir Robert Filmer) were more conclusive than two-and-twenty witnesses. His execution took place on Tower Hill, December the 8th.

The reign of the Duke of York, when James II., was a splendid justification of the political foresight of these two men, and the universal opinion of England numbers them among the martyrs of liberty; but the shameless and inhuman abuse they made of the Popish Plot as a political lever, and the reception of bribes from the French king, the notorious enemy of liberty, to embarrass the action of Government, are stains of a deep dye, which must for ever tarnish their otherwise brilliant memories, and cast a shade over the policy of the whole Whig party in this reign. It was, indeed, an extraordinary reaction which the discovery of the complicity of these men in treasonable designs against the Government produced. Although the Rye House Plot and the scheme of insurrection were perfectly independent of each other, yet the people in general, not having the means of investigating the full particulars, confounded the two plots, and believed that the leaders of the Whig party had conspired to murder the King. Many of those, therefore, who had adhered constantly to the cause of liberty now went over to the King's side, and the country party for awhile appeared entirely annihilated. "In the whole history of human weakness," says a distinguished writer,* "there is no parallel to be found for the sudden change which at this time came over the nation and its representatives. Whether the extremities to which they had been carried during the Popish Plot, or the violence which had been shown against the Duke of York, or the natural alterations of fickle and ill-informed men composing the multitude of all nations, or the shameful zeal displayed by the Established Church in vituperating the conduct of the late Parliament, or a part of all these circumstances, be the reason, certain is the fact, that hardly had the session closed, when, from one end of the island to the other, there burst a cry loud and continued against all that the Parliament had done; and an universal disposition was disclosed to suffer whatever assaults upon liberty the prerogative of the Crown might make." Not even the liberty of unlicensed printing, so often the refuge of the weak against the strong, was of any avail to the vanquished party; for the temper of judges and juries was such, that no writer whom the Government prosecuted for a libel had any chance of escaping. The dread of punishment, therefore, did all that a censorship could have done.† Many, it is true, left the country for America or

* Brougham, *British Const.* chap. vii. p. 98.

† Macaulay, *Hist. Eng.* i. p. 269.

the Continent; and in Scotland a deep sense of indignation was created by the barbarous conduct of the Duke of York, who applied torture and the boots without mercy, but no one ventured to utter a word against the Government. The Presbyterians were alike hated by the Tories and the Whigs, but the memory of Dunbar and Worcester served to still any emotion which might otherwise have been manifested in that part of the realm.

1684.]—The only persons from whom the King experienced any opposition were his ministers; Halifax, and the moderate members of the Council, now that their party had gained the upper hand, urged on him the necessity of adhering to the constitution, and pointed out the danger to which Europe was exposed by the ascendancy of France. "From the very day," says Macaulay, "on which the Tories had by his help gained the ascendant, Halifax began to turn Whig. He saw with alarm the violence of that reaction, which was in no small measure his own work; he did not try to conceal the scorn he felt for the servile doctrines of the University of Oxford; he detested the French alliance; he disapproved of the long intermission of Parliaments; he regretted the severity with which the vanquished party was treated; he, who, when the Whigs were predominant, had ventured to pronounce Strafford not guilty, ventured, when they were vanquished and helpless, to intercede for Russell." But the influence of the moderate Tories was not sufficient to keep the King within the bounds of moderation; not only did he defer to summon Parliament for a longer period than was allowable by law, but ventured to recall the Duke of York from Scotland, and in defiance of the admonitions and entreaties of his friends, to dispense with the law in his favour: so that the Duke again took his seat at the council-board, and resumed the direction of the Admiralty. Many modern writers have blamed Halifax for continuing in the ministry, when his advice had been rejected on two such material points as the assembling of Parliament and the alliance with France; but those who thus readily condemn him appear to forget that the Constitution in 1685 was not the same in all respects as at present: the responsibility of ministers to Parliament, collectively as well as individually, was one of those points which was not yet fully established. "Indeed," says the learned author above quoted,* "it is to be remarked that the word, Ministry, in the sense in which we use it, was then unknown.† The thing itself did not exist; for it belongs to an age in which

* Macaulay, Hist. Eng. i. p. 272.

† North's Examen. 69.

parliamentary government is fully established. At present the chief servants of the Crown form one body. They are understood to be on terms of friendly confidence with each other, and to agree as to the main principles on which the executive administration ought to be conducted. If a slight difference of opinion arises among them, it is easily compromised; but, if one of them differs from the rest on a vital point, it is his duty to resign. While he retains his office, he is held responsible even for steps which he has tried to dissuade his colleagues from taking. In the seventeenth century, the heads of the various branches of the administration were bound together in no such partnership. Each of them was accountable for his own acts, for the use which he made of his own official seal, for the documents which he signed, for the counsel which he gave to the King. No statesman was held answerable for what he had not himself done or induced others to do. If he took care not to be the agent in what was wrong, and if, when consulted, he recommended what was right, he was blameless. It would have been thought strange scrupulosity in him to quit his post, because his advice as to matters not strictly within his own department was not taken by his master; to leave the Board of Admiralty, for example, because the finances were in disorder, or the Board of Treasury because the foreign relations of the kingdom were in an unsatisfactory state. It was, therefore, by no means unusual to see in high office, at the same time, men who avowedly differed from one another as widely as ever Pulteney differed from Walpole, or Fox from Pitt."

1685.]—While the influence of Halifax and of the Duke of York was thus being exerted in opposite directions in the Cabinet, an event occurred which materially changed the position of parties. The King, who had for some time been ailing, was suddenly seized with a fit of apoplexy, and a few days after, viz., February 6, 1685, he breathed his last, receiving the sacrament according to the rites of the Romish church. The Duke of York, who was present on this occasion, received the King's blessing, and then summoned the Privy Council to assemble. James having made known to them the decease of his brother, assured them of his intention to govern with wisdom and moderation, and "to adhere to the Constitution both in Church and State, as by law established." The funeral of the late King, nevertheless, was private, for James, as he says himself, "although he meant to maintain the Church of England in her temporal dignity, yet was unwilling to communicate with her in things spiritual," which he must have done had the funeral been public.

In carrying on his Government, two things ought specially to be noted of Charles, in both of which he differed materially from his brother, and accordingly prevented the Revolution from taking place in his time,* towards which, however, all things manifestly tended. He showed much address and temper in avoiding difficulties, which he seldom if ever met in front or endeavoured by force to surmount; and he displayed no obstinacy nor even firmness in the pursuit of objects, which so careless and self-indulgent a nature little regarded. As for his private character, the less that is said of it the better: he was certainly a bad king and a worthless citizen, addicted to selfish passions, and careless alike of the national honour and private friendship, but possessed of considerable ability and great affability of manners, which made him liked by the common people, notwithstanding his arbitrary conduct. He was a great patron of learning and of the fine arts, and, at the suggestion of Sir Robert Moray, instituted the Royal Society† for the cultivation of mathematical and physical research.

* Brougham, *British Constitution*, chap. vii. p. 97.

† The origin of this institution is traced to about the year 1645, when, on the suggestion of Mr. Theodore Haak, a native of the Palatinate, a number of persons resident in London, who took an interest in what was called the new or experimental philosophy, began to meet together once a week, sometimes at the lodgings of one of their number, Dr. Jonathan Goddard, a physician, in Wood Street, who kept an operator in his house for grinding glasses for telescopes; sometimes at apartments in Cheapside; sometimes in Gresham College or its neighbourhood. Such is the account given by Dr. Birch, on the authority of Dr. John Wallis, the eminent mathematician, who was himself a member of the association thus formed. Besides Wallis, Haak, and Goddard, it included Dr. Wilkins (afterwards Bishop of Chester, and the author of several curious scientific projects and speculations), Dr. George Ent (the friend of Harvey, and defender of his great discovery), Dr. Glisson, Dr. Christopher Merret (who afterwards distinguished himself by his experimental investigations), Mr. Samuel Foster (professor of astronomy in Gresham College), and several others, whose names have not been recorded. "Their business was," says Birch, "precluding affairs of state and questions of theology, to consider and discuss philosophical subjects, and whatever had any connection with or relation to them—as physic, anatomy, geometry, astronomy, navigation, statics, magnetism, chemistry, mechanics, and natural experiments, with the state of these studies as then cultivated at home or abroad." In some letters written in 1646 and 1647, we find the Honourable Robert Boyle, then a very young man, making mention of what he calls "our new philosophical or invisible college," by which he is supposed to mean this association. Wilkins, Wallis, and Goddard were all withdrawn to Oxford, by being appointed to offices in the University, in the course of the years 1648, 1649, and 1651; and, by their exertions, a society similar to the London one was now established in that city, which was joined by Dr. Seth Ward, then Savilian professor of astronomy, afterwards successively Bishop of Exeter and Salisbury, by Dr. Ralph Bathurst, Dr. Thomas Willis, Dr. (afterwards Sir) William Petty (all physicians), and divers others. The

An amusing anecdote is told of him in connection with Butler, the author of "Hudibras." On meeting with this facetious book, the King is said to have been so delighted with the pungency of the wit and sarcasm which it contained, and of which the King himself was no bad judge, that he desired to be privately intro-

Oxford society met at first in Dr. Petty's lodgings, in the house of an apothecary, whose boxes and phials furnished them with many of the chemical substances they wanted for inspection or experiment. After Petty went to Ireland, in September, 1652, the meetings seemed to have been discontinued for some years; but, in February, 1658, we find Petty, in a letter, from Dublin, to Boyle, observing that he had not heard better news than that the club was restored at Oxford, and shortly before that date the members appear to have, in fact, begun to assemble again at Dr. Wilkins's apartments in Wadham College, whence, on the appointment of Wilkins, in September, 1659, to the mastership of Trinity College, Cambridge, they transferred themselves to the lodgings of Mr. Boyle, who had come to Oxford, in June, 1654, and continued to reside there till April, 1668. All this while the original London society is believed to have met once or twice a week for the greater part of the year without interruption, those of the members who had removed to Oxford rejoining it whenever they chanced to come up to town. In course of time, many of the members of the Oxford club became resident in London; and it is certain that, by the year 1659, the meetings had come to be held pretty regularly in term time at Gresham College every week, either after the Wednesday's lecture on astronomy by Wren, or after the Thursday's on geometry by Mr. Lawrence Rooke; sometimes perhaps on both days. Among the members at this time are mentioned Lord Brouncker and John Evelyn. The confusion in which public affairs were involved in the latter part of the year 1659, when Gresham College was turned into a barrack for soldiers, dispersed the philosophers; but their meetings were revived, and attended by a large concourse of persons, eminent for their character and learning, upon the Restoration, 1660; and, as appears from the Journal Book of the Royal Society, on the 28th of November, that year, the Lord Viscount Brouncker, Mr. Boyle, Mr. Bruce, Sir Robert Moray, Sir Paule Neile, Dr. Wilkins, Dr. Goddard, Dr. Petty, Mr. Balle, Mr. Rooke, Mr. Wren, and Mr. Hill, after the lecture of Mr. Wren at Gresham College, withdrew for mutual conversation into Mr. Rooke's apartment, where, amongst other matters discoursed of, something was offered about a design of founding a college for the promoting of physico-mathematical experimental learning; and because they had these frequent occasions of meeting with one another, it was proposed that some course might be thought of to improve this meeting to a more regular way of debating things; and that, according to the manner in other countries, where there were voluntary associations of men into academies for the advancement of various parts of learning, they might do something answerable here for the promoting of experimental philosophy. It was thereupon agreed that the meetings should be continued at three o'clock in the afternoon on every Wednesday, in Mr. Rooke's chamber at Gresham College, during term time, and at Mr. Balle's apartments in the Temple, in the vacation. It was also arranged that every member of the society should pay ten shillings on his admission, and a shilling a-week besides so long as he remained a member. At this meeting, which may be regarded as that at which the present Royal Society was actually founded, Dr. Wilkins pre-

duced to the author; but, on entering into conversation with him, found him so dry and prolix, that the King is said to have forbade him his presence, and to have professed a belief that some deception had been practised on him.

sided. From the subsequent admissions, it appears that only the twelve persons present on this occasion were considered as members; all others, even those who had attended the meetings kept before the Restoration, had to be regularly proposed and balloted for. On the 15th of July, 1662, a charter was passed incorporating the society, under the name of the Royal Society, and constituting William Lord Brouncker the first president; Moray, Boyle, Brereton, Digby, Neile, Slingsbey, Petty, Drs. Wallis, Timothy Clarke, Wilkins, and Ent, William Areskine, Esq., cup-bearer to his Majesty, Drs. Goddard and Christopher Wren, William Balle, Esq., Matthew Wren, Esq., Evelyn T. Henshaw, Esq., Dudley Palmer, Esq., and Oldenburg, the first council; Balle, the first treasurer; and Wilkins and Oldenburg, the first secretaries. And some additional privileges were granted by a second charter, which passed the privy seal on the 22nd of April, 1663.—See *History of the Royal Society of London*, by Dr. Birch.

CHAPTER XXVII.

JAMES II. 1685—1688.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XIV., 1643-1715. *Germany*—LEOPOLD I., 1658-1705.
Spain—CHARLES II., 1605-1700. *Pope*—INNOCENT XI., 1676-1689.

- 1685**—Little alteration of policy on the succession of James II.—Loyal disposition of the people—Monmouth's rebellion—Wholesale butchery of the western assizes—Transportation of political prisoners to the West Indies—Trial of Alice Lisle—Disgust of the nation—James dispenses with the Test Act and employs Catholic officers—Opposition in the House of Lords to a standing army—Prorogation of Parliament.
- 1686**—The Pope refuses to sanction James's schemes—Re-establishment of the court of High Commission—Suspension of Compton, Bishop of London—Dismissal of Rochester—Catholics admitted to the Privy Council—Declaration of the judges in favour of the dispensing power.
- 1687**—Attack upon the Universities—Suspensions of the clergy aroused—Displacement of magistrates and lords-lieutenant—Project of swamping the House of Lords—Protest of the Prince and Princess of Orange—Attempt to make the Catholics supreme in Ireland—Declaration of Indulgence.
- 1688**—Prosecution of the bishops—Protestant feeling of the nation—Doubts as to the birth of the Prince of Wales—Trial and acquittal of the bishops—Alteration in the sentiments of the Tory party—Invitation sent to the Prince of Orange—Louis XIV. discovers the intentions of the Prince, and sends the offer of aid to James—Which is indignantly refused—The Dutch fleet sets sail, but is compelled to put back by a storm—Preparations for resistance—Great concessions made by the King—Sullen aspect of the country—The Prince lands at Torbay—Mismanagement of the King—Desertion of troops to William—James prepares for flight—Entry of William into London—Calling of a free Parliament—Settlement of the Crown—Declaration of Rights—Coronation of William and Mary—Resistance the basis of the present Government.

1685.]—The change of sovereigns produced very little alteration in the course of events; James II.,* on his accession

* James II. was the second surviving son of Charles I. and Henrietta Maria. He was born at St. James's in October, 1633, and immediately created Duke of York. His first wife was the Lady Anne Hyde, daughter of the Earl of Clarendon, whom he privately married at Breda, in 1659, while in exile, and by whom he had two children, Mary and Anne, who both became queens of England. His second wife was Mary d'Este, who

(Feb. 6), retained the same ministers whom he found in power, and continued the same line of policy which had been pursued during the latter years of Charles's reign; but his violent and bigoted disposition hurried matters to a crisis—to which, indeed, they were before tending, but which the milder disposition of his brother had for a time delayed. He began his reign by declaring permanent the customs which had been voted for a fixed time, and openly attended mass in the queen's chapel; but his ulterior aims were not at first disclosed, for he frankly avowed his adherence to the constitution, and took the oaths to administer the Government as he found it in Church and State established. His declaration to the Privy Council was published, and gave general satisfaction, and writs were issued for the assembling of Parliament on the 19th of May; so that his coronation and that of the Queen took place without any opposition. Indeed, so loyal was the disposition of the people, that there were not in the new House of Commons, as James declared, forty members whom he would not have nominated himself. The Commons at once voted him the same revenue for life which had been given to his brother—viz., £2,000,000, equal to £5,000,000 at this day—besides an allowance for supporting a standing army. An address on behalf of the penal laws was altered, on a suggestion that its expressions might give offence to the King, and a bill was passed declaring it high treason to make any motion for altering the order of succession. It was the more remarkable, as this bill originated in the people's House of Parliament, the very body which, a few years before, had passed a bill to exclude the reigning monarch for ever, and bestow the Crown as if he had been naturally dead; but the report of Monmouth's intended invasion was the cause which produced this violent outburst of loyalty. "James," says a distinguished writer,* "so lately the object of all men's dread and aversion, was now extolled for his courage, his adherence to his promises, his patriotic services to the country, his patience under the late persecution, which had forced him to reside abroad; so that he became now, to use Lord Lonsdale's expression, 'the very darling of all men.'"

The nation evidently wished, now that James had ascended the throne, to give him a fair trial, and notwithstanding the

became Queen Consort, was married in 1673, and had one child, James Francis Edward, better known as the "Old Pretender." By his mistress he had several children, the most distinguished being James Fitzjames. On his abdication he retired to France, where he lived in exile till 1701, when he died of apoplexy.

* Brougham, *British Constitution*, chap. vii. p. 99.

popularity of the Duke of Monmouth, no demonstration was made in his favour: when he landed in Dorsetshire many of the peasants flocked to his standard, but none of the nobles or gentry—an evident sign that the whole expedition was a failure; for it is worthy of remark, that no civil movement has ever been successful in England in which the upper classes have not taken the lead. After staying some days at Lyme, to assemble his forces, he marched on to Taunton, and thence to Bridgwater, at both of which places he was well received; but his army only amounted to 4,000 men, and most of these raw recruits, so that he was in doubt whether to cross the Avon and lay siege to Bristol, or to retire to the western counties of Salop and Cheshire, where he expected good support. As he advanced, the militia everywhere retired before him, but none of their bands went over to his side, and on the approach of the royal troops, under the Earl of Feversham, he was compelled to retire precipitately into Wiltshire, where a partial action took place at Philips Norton. Here Monmouth first learned the defeat of Argyle, who had landed in Scotland with a small band of refugees, but, failing to rouse his clansmen, had been made prisoner and executed, together with Rumbold and Ayloff, conspirators in the Rye House Plot. This intelligence confirmed Monmouth in his intention to retreat towards Frome; and, on the 6th of July, finding himself closely pressed by the royal forces, he attempted a nocturnal attack upon their camp at Sedgemoor; the sentinels, however, were on the alert, and the assault was repulsed: when day broke, the battle became general, and Feversham, ordering his infantry to cross the drain which was in front of their camp, occupied the attention of the insurgents while his cavalry gained their rear. The confusion of the half-armed peasants was complete; they threw down their arms and fled, 500 were left dead on the field, and 1,500 made prisoners. The Duke himself succeeded in escaping, but was shortly after taken, in the disguise of a peasant, and sent to London. At his earnest request, the King had a private interview with him, but he failed to obtain his Majesty's pardon, and was again sent back to the Tower, where he received intimation that he was to prepare for his execution on the 15th. The concourse which assembled to witness this spectacle was immense—sighs, groans, and tears were succeeded by an awful silence: the Duke made no address, and, after five strokes from the hatchet, his head was severed from his body.

The atrocities which followed this rebellion were such as England had never before witnessed. “Kirke's Lambs,” as the troops of Feversham were named, were let loose on the helpless

inhabitants of the western counties, and committed every species of debauchery; but the military atrocities were nothing in comparison with "Jeffreys' Campaign," as the King loved to call it; 240 executions took place in the county of Somerset alone: * and a general order was sent to the judges on the circuit to convict as many of the rebels as they could, in order that they might be bestowed as rewards on the courtiers, who were required to give security that they should be sold as slaves to work in the West Indies for the term of ten years. "This last article," says a learned writer,† "was studiously framed for the purpose of aggravating the misery of the exiles. In New England or New Jersey, they would have found a population kindly disposed to them, and a climate not unfavourable to their health and vigour. It was therefore determined that they should be sent to colonies where a Puritan could hope to inspire little sympathy, and where a labourer, born in the temperate zone, could hope to enjoy little health. Such was the state of the slave-market, that these bondmen, long as was the passage, and sickly as they were likely to prove, were still very valuable. It was estimated by Jeffreys that, on an average, each of them, after all charges were paid, would be worth from ten to fifteen pounds. There was therefore much angry competition for grants, and 841 prisoners were given over to these rapacious blood-suckers. The human cargoes were stowed close in the holds of small vessels. So little space was allowed that the wretches, many of whom were still tormented by unhealed wounds, could not all lie down at once without lying on one another. They were never suffered to go on deck. The hatchway was constantly watched by sentinels, armed with hangers and blunderbusses. In the dungeon below, all was darkness, stench, lamentation, disease, and death. Of ninety-nine convicts who were carried out in one vessel, twenty-two died before they reached Jamaica,

* Jeffreys boasted that he had hanged more traitors than all his predecessors together since the Conquest. It is certain that the number of persons whom he executed in one month, and in one shire, very much exceeded the number of all the political offenders who have been executed in our island since the Revolution. The rebellions of 1715 and 1745 were of longer duration, of wider extent, and of more formidable aspect than that which was put down at Sedgemoor. It has not been generally thought that, either after the rebellion of 1715 or after the rebellion of 1745, the House of Hanover erred on the side of clemency. Yet all the executions of 1715 and 1745 added together will appear to have been few indeed when compared with those which disgrace the Bloody Assizes. The number of the rebels whom Jeffreys hanged on this circuit was 320.—Macaulay, *Hist. Eng.* i. 640.

† Macaulay, *Hist. Eng.* i. p. 645.

although the voyage was performed with unusual speed. The survivors, when they arrived at their house of bondage, were mere skeletons. During some weeks, coarse biscuit and fetid water had been doled out to them in such scanty measure, that any one of them could easily have consumed the ration which was assigned to five. They were, therefore, in such a state, that the merchant to whom they had been consigned found it expedient to fatten them before selling them." Happy indeed was it for those who were executed, for they at least had the satisfaction of knowing that they suffered in a righteous cause. They were regarded not only by themselves, but by a large proportion of their neighbours, not as wrong-doers, but as martyrs, who sealed with their blood the truth of the Protestant religion. Many, it may be imagined, were convicted who had taken no part in the rebellion; for, owing to the brutal disposition of the judges and the arbitrary power with which they were armed, few of those whom they chanced to seize upon escaped; but space will not permit us to enter into the atrocities of each particular case: one only is selected, as it illustrates a curious anomaly in the English law.

The Lady Alice, widow of John Lisle, a distinguished republican, who had sat in Cromwell's House of Lords, was first selected to be brought to trial, on the charge of having harboured two rebels, John Hickes, a Nonconformist divine, and Richard Nelthorpe, a lawyer, who had been concerned in the Rye House Plot. The tried virtue and generosity of this lady made her respected by all the gentlemen of her county, Hampshire; and although it was well known that she had harboured many Nonconformists, it was equally well known that she had befriended many Royalists in the time of their distress, and had besought her husband to abstain from taking part in the trial of Charles I.: so that she had many friends, not only amongst the Whigs, but even among the Tory gentry. It was, therefore, no easy matter to procure a jury to convict her; the witnesses prevaricated, and the court was about to decide in her favour, when Jeffreys, perceiving the damage which would ensue to the royal cause if the first case of treason on the circuit should be discharged, undertook to examine the witnesses himself, and, by his scurrility and abusive language, so terrified the poor rustics that they lost all self-control. One witness named Dunne, a respectable farmer of Hampshire, stood astounded. "I cannot tell what to say, my lord," faltered he. Jeffreys again broke forth into a volley of oaths: "Was there ever," he cried, "such an impudent rascal? Hold the candle to him, that we may see his brazen face. You, gentlemen that are of counsel for the

Crown, see that an information for perjury be preferred against this fellow." The evidence was then summed up in the same tone, and the Lady Alice was heard in her defence: she admitted the concealment of the two Nonconformists, but said that she supposed them to have been flying from the warrant issued against them for field-preaching, and had at the time no suspicion of their having borne arms against the Government. The jury retired to deliberate, but were so swayed between the sentiments of fear and duty, that they could come to no conclusion. At length, Jeffreys, impatient of their delay, sent a messenger to inform them that, if they did not instantly return, he would adjourn the court, and lock them up all night. Thus put to the torture, they came, but came to say that they doubted whether the charge had been made out. Jeffreys expostulated with them vehemently, and, after another consultation, they gave a reluctant verdict of guilty. This was sufficient for Jeffreys; he had obtained the verdict of the jury, and he was determined not to let his prey escape. The next morning he delivered sentence, and gave orders that she should be burnt alive that very afternoon. This excess of barbarity roused the sympathies even of the class the most devoted to the Crown. The clergy of Winchester Cathedral interposed their authority, and required that her sentence should be left over till they had had time to appeal to the Crown. Jeffreys, brutal and all as he was, was not yet mad enough to risk a quarrel on such a subject with a body so much respected by the Tory party, and he therefore consented to defer the execution of the sentence for five days. Meanwhile, every exertion was made in her favour; ladies of high rank and character, who had felt the advantages of her friendship, witnessed to the purity and integrity of her life; and Clarendon, the King's brother-in-law, undertook to intercede for her at court; it was also shown that her son had served in the army against Monmouth; but all was of no avail. The King's heart, according to the saying of Churchill, as hard as the marble chimney-pieces of Whitehall, could not be touched—the utmost he could be brought to consent to was, that her sentence should be changed from burning to beheading. The execution took place in the market-place of Winchester, and she underwent her fate with serene courage.

"Odious as the law was," says Macaulay,* "it was strained for the purpose of destroying Alice Lisle. She could not, according to the doctrine laid down by the highest authority, be convicted till after the conviction of the rebels whom she had harboured;" but the judges, impatient to do their bloody work,

* Macaulay, *Hist. Eng.* i. p. 634.

overlooked this condition of the English law, and rendered a decision, which otherwise would have at least borne the semblance of justice, absolutely illegal. "If," says the same author, "Lady Alice knew her guests to have been concerned in the insurrection, she was undoubtedly guilty of what, in strictness, is a capital crime; for the law of principal and accessory, as respects high treason, then was, and is to this day, in a state disgraceful to English jurisprudence.* In cases of felony a distinction, founded on justice and reason, is made between the principal and the accessory after the fact. He who conceals from justice one whom he knows to be a murderer, though liable to punishment, is not liable to the punishment of murder; but he who shelters one whom he knows to be a traitor, is, according to all jurists, guilty of high treason. It is unnecessary to point out the absurdity and cruelty of a law which includes under the same definition, and visits with the same penalty, offences lying at the opposite extremes of the scale of guilt. The feeling which makes the most loyal subject shrink from the thought of giving up to a shameful death the rebel who, vanquished, hunted down, and in mortal agony begs for a morsel of bread and a cup of water, may be a weakness, but it is surely a weakness very nearly allied to virtue—a weakness which, constituted as human beings are, we can hardly eradicate from the mind, without eradicating many noble and benevolent sentiments. A wise and good ruler may not think it right to sanction this weakness; but he will generally connive at it, or punish it very tenderly. In no case will he treat it as a crime of the blackest dye. Whether Flora Macdonald was justified in concealing the attainted heir of the Stuarts, whether a brave soldier of our own time was justified in assisting the escape of Lavalette, are questions on which casuists may differ; but to class such actions with the crimes of Guy Faux and Fieschi is an outrage on humanity and common sense. Such, however, is the classification of our law. It is evident that nothing but a lenient administration could make such a state of the law endurable. And it is just to say that, during many

* The same acts of adherence or aid, which, when applied to foreign enemies, will constitute treason under this branch of the statute, will, when afforded to our fellow-subjects in actual rebellion at home, amount to high treason under the description of levying war against the King. But to relieve a rebel fled out of the kingdom is no treason, and if a person be under circumstances of actual force and constraint, through a well-grounded apprehension of injury to his life or person, this fear of compulsion will excuse his even joining with either rebels or enemies in the kingdom, provided he leaves them whenever he has a safe opportunity.—Kerr's Blackstone, vol. iv., p. 78, ed. 1862; also Foster, p. 216.

generations, no English Government, save one, has treated with rigour persons guilty merely of harbouring defeated and flying insurgents. To women especially has been granted, by a kind of tacit prescription, the right of indulging, in the midst of havoc and vengeance, that compassion which is the most endearing of all their charms. Since the beginning of the great Civil War, numerous rebels, some of them far more important than Hickes and Nelthorpe, have been protected against the severity of victorious governments by female adroitness and generosity. But no English ruler who has been thus baffled, the savage and implacable James alone excepted, has had the barbarity even to think of putting a lady to a cruel and shameful death for so venial and amiable a transgression."

Alice Lisle was not the only woman who was executed; Elizabeth Gaunt, a Baptist, who had spent the greater part of her life in relieving the unhappy of all religious denominations, and in visiting the gaols, was condemned on a similar charge. When she was brought to the stake, all the bystanders burst into tears, and a wail, loud and long, united awfully with the storm which was then raging. "It was," says the same writer,* "much noticed that, while the foulest judicial murder which had disgraced even those times was perpetrating, a tempest burst forth, such as had not been known since that great hurricane which had raged round the death-bed of Oliver. The oppressed Puritans reckoned up, not without a gloomy satisfaction, the houses which had been blown down, and the ships which had been cast away, and derived some consolation from thinking that Heaven was bearing awful testimony against the iniquity which afflicted the earth. Since that terrible day, no woman has suffered death in England for any political offence."

Little as it was suspected by the King and his minions, the day of vengeance for these atrocities was not far distant; the very autumn which saw the Bloody Assizes, witnessed the first faint indications of a change of fortune. So long as the King went on gratifying the Established Church and persecuting the Nonconformists, he had nothing to fear; the pulpits everywhere resounded with the duty of passive obedience and the divine right of kings; but, fortunately for England, James's bigotry and obstinacy led him to attack the religion before he had completely destroyed the liberty of the people. The abolition of the Test Act and the repeal of the Habeas Corpus Act were equally objects of his ambition; but the former he fancied the easiest to accomplish. He had already a large standing army of 20,000 men, and, by granting dispensations, he might easily supply the

* Macaulay, Hist. Eng. i. p. 660.

place of the Protestant officers with Catholics, without violating the express letter of the law. When this should be accomplished, the next step would be to dispense with the test altogether, and having the army at his devotion, there was nothing to fear from any demonstration which the people might make. His ministers, but more especially Halifax, remonstrated on the unadvisability of these proceedings, but they were dismissed, one by one, from his councils; and when Parliament met, on the 9th of November, James informed the Commons that the militia could not be relied upon, and that, having experienced the fidelity of his Catholic officers in such a time of need and danger, "he would not expose them to disgrace, nor himself to the want of them, if there should be another rebellion." The Parliament heard this announcement with ill-concealed disgust; the Commons voted the sum of £700,000 for the maintenance of the army, but coupled it with a bill for the improvement of the militia, and petitioned the King to dismiss his Catholic officers. In the Lords, the opposition to the late measures of Government was much less reserved. Halifax, lately Lord Privy Seal, Nottingham, Anglesea, Mordaunt, and the Bishop of London, inveighed bitterly against the danger of a standing army and the employment of Catholic officers, and obtained a vote to take into consideration the King's speech, notwithstanding the strenuous opposition of Jeffreys and his crew. Whereupon James prorogued the Parliament (Nov. 28), after a session of but twelve days, which met no more during his reign, except to be prorogued anew.

1686.]—This ought to have warned James of the danger of the course which he was pursuing, for the Parliament of 1685 was emphatically the most loyal assembly which had ever met in England; but following the example of his Catholic brother of France, who had this very year revoked the Edict of Nantes, he took the Jesuits into his councils, and sent a special envoy to the court of Rome, demanding that a Papal legate should be sent to England. It was curious to see the reluctance which Innocent XI. showed on this occasion to gratify his wishes; not indeed out of any concern for the King's safety, but because he regarded with little complacency both the Jesuits and the King of England, whom he looked on as partisans of Louis XIV., his sworn enemy. It was in vain that the King urged upon the Pontiff the advisability of bestowing the cardinal's hat upon Petre, his confessor and favourite adviser, and for whom it is said he intended the see of York. Innocent positively refused, and advised the King to follow the counsels of Bellasis and Powis, who were for not interfering with the national religion, but obtaining a repeal of the penal statutes, and securing the

free exercise of their religion under a Protestant successor; but these moderate counsels were not consonant with the character of James; he allowed himself entirely to be guided by the Jesuits, who openly proclaimed their intention of re-establishing the Romish religion. Papists were now openly admitted to all the offices of the state, and 4,000 Protestant soldiers cashiered. Similar proceedings took place in Scotland and Ireland, and letters mandatory were issued to the English bishops, forbidding the clergy to preach on controversial points. The capital had already begun to assume the appearance of a Catholic city; monasteries and nunneries were established in various parts, and the religious orders went about in their habits. The Carmelites were established in the City, the Benedictines in St. James's, and the Franciscans in Lincoln's Inn Fields, besides innumerable others; and to overawe the populace, the army of 15,000 men was encamped at Hounslow Heath. But these precautions were not sufficient to repress the expression of public feeling: numerous pamphlets were circulated in the streets and in the camp, exhorting the people and soldiers to adhere to their religion; and the clergy of London, at length aroused to the true state of affairs, ventured to preach from their pulpits against the abominations of Rome. One of these latter offenders—viz., Dr. Sharp, Dean of Norwich and Rector of St. Giles's—was cited before the Privy Council, and Compton, Bishop of London, was ordered to suspend him; but the prelate refused to do so, before he had heard his defence, and was himself summoned to appear before the court of High Commission, which had been again instituted (July, 1686), in defiance of the famous statute which had abolished the ecclesiastical courts at the time of the Restoration: of this court Sancroft, the Archbishop of Canterbury, and Jeffreys, Lord Chancellor, were the nominal heads, but the Primate seldom attended, so that the whole business of the court was left in the hands of Jeffreys. Strange to say, however, this man, otherwise so brutal, was steadfast in his adherence to the Protestant religion, and took little advantage of the position which the High Commission gave him. The trial of Compton was conducted with apparent fairness, and three-fourths of the members present declared in his favour: fearing, however, to draw down upon themselves the King's displeasure, they afterwards consented to modify their decision, and suspended Compton, "until he should show a more complacent disposition." The next victim of Popery was Rochester, the King's own brother-in-law. This nobleman had for several years held the keys of the exchequer, and had proved himself a most devoted servant of the Crown; but James had come to the

determination to dismiss all his servants who would not conform themselves to his faith, so that Rochester had no alternative but to resign; many others followed his example, both in the civil service and the army, and their places were supplied by Catholics. Powis and Dover were admitted members of the Privy Council, and Lord Bellasis was placed at the head of the treasury board. In order to give a certain air of legality to these unconstitutional proceedings, James extorted from the bench of judges, which he had previously expurgated of four of its most independent members, a formal declaration (June, 1686) that the dispensing power was inherent in the Crown.

1687.]—The next attempt of James was to remodel the universities of Oxford and Cambridge on a Catholic basis, as there was little prospect of his effectually altering the religion of the country so long as these great seminaries of learning continued to send forth theologians imbued with the principles and doctrines of the Reformation. Oxford especially at this time offered a tempting opportunity of trying the experiment: this university had maintained, in its fullest extent, the doctrine of passive obedience, and had published a decree stigmatising the doctrines of mutual obligation and limited power as seditious and blasphemous, and destructive to all government in Church and State. True to their doctrine, the university offered no opposition when the King nominated to the important post of Dean of Christ Church a professed Roman Catholic, named John Massey, formerly a fellow of Merton College, and authorised the celebration of mass, and the printing of Popish books within the university. But this was not sufficient to satisfy the ardour of the King; who, having been so successful in the case of Oxford, determined at once to try the experiment at Cambridge, and exercised his dispensing power by ordering the Vice-Chancellor, Dr. Peachell, to admit, without the usual oaths, a Benedictine monk, named Alban Francis, to the degree of Master of Arts. The Vice-Chancellor refused to obey the order, and appealed to the statutes; but he was immediately cited to appear before the Ecclesiastical Commission, and deprived of his office. The whole university now became alarmed for their privileges, and refused to admit, on any conditions, Father Francis into their association. The matter was therefore compromised by the King agreeing to withdraw his order, and the university consenting to appoint a new Vice-Chancellor.

The storm, however, which this unprovoked aggression had raised, was not so easily allayed. The whole body of the clergy began to perceive the ultimate object of the court, and a cry, deep and loud, resounded from every corner of the land, "The

Church is in danger!" Even the servile politicians of Oxford became alarmed, and when the King demanded the installation of Anthony Farmer, a man of low birth and of no education, whose only recommendation was being a Catholic, into the office of President of Magdalen College, the fellows unequivocally refused to elect him, and returned Mr. Hough, in defiance of the King's express command. James would not be baffled in his determination, and went himself down to Oxford, where he severely rebuked the fellows of the college for their disobedience, and required them, if they would not elect Farmer, to choose Parker, Bishop of Oxford (a man whose religious principles were extremely doubtful); but they still persevered in their resistance, and a commission was consequently appointed to exercise visitatorial jurisdiction over the college. Cartwright, Bishop of Chester, Wright, Chief Justice of the King's Bench, and Sir Thomas Jenner, a Baron of the Exchequer, were the persons selected for this unenviable duty. "On the 20th of October," says an eloquent writer,* "the commissioners arrived at Oxford, escorted by three troops of cavalry with drawn swords. On the following morning, they took their seats in the hall of Magdalen. Cartwright pronounced a loyal oration, which, a few years before, would have called forth the acclamations of an Oxonian audience, but which was now heard with sullen indignation. A long dispute followed. The president defended his rights with skill, temper, and resolution. He professed great respect for the royal authority. But he steadily maintained that he had, by the laws of England, a freehold interest in the house and revenues annexed to the presidency. Of that interest he could not be deprived by an arbitrary mandate of the sovereign. 'Will you submit,' said the bishop, 'to our visitation?' 'I submit to it,' said Hough, with great dexterity, 'so far as it is consistent with the laws, and no further.' 'Will you deliver up the key of your lodgings?' said Cartwright. Hough remained silent. The question was repeated; and Hough returned a mild but resolute refusal. The commissioners pronounced him an intruder, and charged the fellows no longer to recognise his authority, and to assist at the admission of the Bishop of Oxford. Charnock eagerly promised obedience; Smith returned an evasive answer; but the great body of the members of the college firmly declared that they still regarded Hough as their rightful head." After various legal proceedings, which are not requisite to be inserted in this place, the commissioners issued an edict, not only depriving the ejected fellows of their livings, but rendering them incapable of ever holding

* Macaulay, Hist. Eng. ii. p. 297.

any Church preferment. "James," says Dr. Lingard, "had thus gained a victory, but he had no reason to be proud of it, for it betrayed the hollowness of his pretensions to good faith and sincerity, and earned him the enmity of the great body of the clergy, and of all who were devoted to the interests of the Church."

The effect, therefore, of the severities at Oxford, was exactly the reverse of what had been contemplated. "The spirit of Englishmen, that sturdy spirit which no king of the house of Stuart could ever be taught by experience to understand, swelled up high and strong against injustice. Oxford, the quiet seat of learning and loyalty, was in a state resembling that of the city of London on the morning after the attempt of Charles I. to seize the five members."* The Vice-Chancellor refused, on the day of the expulsion, to dine with the commissioners, saying, "that he could not eat his meals with appetite under a gallows." The undergraduates refused to obey the authority of their new heads, and the very menials of the college threw up their situations, while some of the richest fellowships were left vacant, because no one could be found mean enough to accept them, and others were bestowed on avowed Catholics. This was the great crime which sealed the fate of James. The influence of the universities, at that time, on the tone of society was immense: they not only formed, as at present, the great seats of learning and refinement, but were, at the end of the seventeenth century, extremely wealthy corporations, holding a much higher position in the state as compared with the rest of the community than at present. "Within their walls," says an eloquent writer, "had been formed the minds of almost all the eminent clergymen, lawyers, physicians, wits, poets, and orators of the land, and of a large proportion of the nobility and of the opulent gentry." Nothing, therefore, could be attempted against their freedom and independence without exciting the resentment of a powerful, active, and intelligent class, scattered over every county from Northumberland to Cornwall.

The Government soon perceived its mistake, and endeavoured to obviate the ruin which threatened, by engaging the support of the Protestant Dissenters to balance the influence of the Church. With this object two several declarations of liberty of conscience were published in England and Scotland, the former dispensing with the penal statutes and test oaths, and the latter granting full and free toleration to Presbyterians, Quakers, and Catholics to hold their meetings in chapels, only forbidding field preaching. At first the minor Protestant sects gladly embraced the proffered clemency,

* Macaulay, *Hist. Eng.* ii. p. 301.

and thanked the King for the indulgence; but the Nonconformists and moderate Presbyterians, led by Baxter and Howe, readily discerned the folly of supporting a cause which had for its avowed object the overthrow of the Protestant religion; and, instructed by the narratives of the numerous refugees who had sought shelter in England since the revocation of the Edict of Nantes how little they had to expect from the clemency of a Catholic Government, they therefore took part with the Church in opposing the very toleration which had granted to them the free exercise of their religion. The King, however, still continued in his wayward courses; he went on pilgrimage to St. Winifred's Well in Wales, and gave new alarm by publicly receiving the Papal nuncio at court (July 3), and by admitting Father Petre to be one of the council. His measures, too, with regard to Ireland and Scotland were equally suspicious. In the latter country, the Parliament had been dismissed on account of its adherence to the Protestant religion, and the King had published the Declaration of Indulgence, by "virtue of his sovereign authority, prerogative royal and absolute power," words which he did not as yet venture to employ in England; while, in the former country, Ireland, he had separated the command of the forces from the lord-lieutenancy, and had placed them under the command of an avowed Roman Catholic, Richard Talbot, Earl of Tyrconnel, with the object, as was supposed, of employing them to put down the English ascendancy in that country: a suspicion which appeared to receive confirmation from the fact that a commission had latterly been issued in England, called the Board of Regulators, appointing a number of Roman Catholics to inspect the corporations, and to remove such officers and freemen as they might think adverse to the Catholic interest. At the same time, the lords-lieutenant of counties in England were directed to inquire of their deputies and of the magistrates whether, if elected to a seat in the Lower House, they would vote for the repeal of the Test Act, and of the penal statutes relative to religion; whether they would vote at the elections for such candidates as should promise to do so, and whether they would support the declaration for liberty of conscience; a hint was at the same time given that their offices depended on the answers they might return. The result was that, in the first surprise, many persons yielded, and others were displaced; but the leading gentry of the country soon came to a resolve not to answer the questions individually, but to subscribe a general memorial, which was circulated through the country, declaring it illegal to make a declaration on any one of the questions, till the arguments for and against it were discussed in Parliament. In consequence of this declara-

tion, the King deferred calling a Parliament till he should be sure of a majority, more especially as the tone lately assumed by the Lords showed that there would be no possibility of passing the repeal of the Test Act through the Upper House, even if it should be assented to in the Commons, without resorting to the expedient of swamping the house, a project which was then contemplated for the first time, but which was rejected by James as too desperate to attempt. There was besides no urgent necessity for meeting Parliament, as the expenses of government had been so greatly reduced that the income exceeded the expenditure by the sum of £100,000 annually.

There was also another motive which induced the King to defer the meeting of Parliament. The Prince of Orange, who had married in 1677, the Princess Mary, daughter of James II. by Anne Hyde, was exceedingly popular with the Protestant party in England, and had refused to sanction the repeal of the Test Act. "You ask me," said William,* to one of the King's agents, "to countenance an attack on my religion. I cannot with a safe conscience do it, and I will not—no, not for the crown of England, nor for the empire of the world." This declaration was shortly followed by a firm but temperate address, in which the Princess Mary joined, expressing it as their sincere conviction that the measures enacted for the protection of the Anglican Church were indispensable, and that, although some modifications in the penal statutes might safely and wisely be made, yet, under existing circumstances, much more was to be feared from the dispensing power than from the enforcement of the law. They declared that they deeply regretted the course which his Majesty had adopted. They were convinced that he had usurped a prerogative which did not by law belong to him. Against that usurpation they protested, not only as friends to civil liberty, but as members of the royal house, who had a deep interest in maintaining the rights of that Crown which they might one day wear. For experience had shown that in England arbitrary government could not fail to produce a reaction even more pernicious than itself; and it might reasonably be feared that the nation, alarmed and incensed by the prospect of despotism, might conceive a disgust even for constitutional monarchy. The advice, therefore, which they tendered to the King was, that he should in all things govern according to law.

But such was not James's intention. No sooner had he remodelled his council upon a Catholic basis, than he began to prepare the way for setting up the Roman Catholic religion as supreme in Ireland. In that country, as before observed, there were no penal statutes against recusants, as in England, but

* Burnet, i. p. 694.

the government was for the most part administered by the English settlers, who were Protestants, and the lords-lieutenant had always been of the national religion. It was now no longer so; the Earl of Tyrconnel, who had been entrusted with the command of the troops, was appointed to supersede Lord Clarendon in the important post of Lord-Deputy, and by the end of the year the Catholics formed the majority in the Privy Council, the magistracy, the army, and the corporations. The Protestants naturally took alarm, and protested loudly against the pseudo-policy of James, which threatened to invert the relative position of parties in Ireland, by making the Protestant English the subject and the Catholic Irish the dominant race. Many of the gentry sold their lands and retired to England or America, and the officers gave up their commissions, and sought service with the Prince of Orange. It was, in all probability, the object of James to render Ireland an asylum for the Catholics, and for himself, if needful; but Tyrconnel had a deeper design, and he proposed to the French envoy, Bourepaux, that, in case of the succession of the Prince of Orange, Ireland should become an independent state, under the protection of France. To this project Louis gave a most willing consent; but it was studiously concealed from James, and even from Barillon. Yet suspicion was afloat; and Dyckveldt, who was sent over by the Prince of Orange in the beginning of the year to ascertain the feeling of the English people, was especially instructed to investigate the King's designs with respect to Ireland.

1688.]—At this critical moment, the King, who appeared to be led on by a blind infatuation, took his fatal step. The Declaration of Indulgence had not met with the reception he had expected from the Nonconformists, and he determined to make the clergy of the Church of England acknowledge it, whether they would or no. An order in council was issued (May 4, 1688), directing that the Declaration of Indulgence, which was republished in a slightly altered form, should be read in all churches and chapels during the time of divine service, and the bishops were commanded to distribute it for this purpose. The London clergy, then universally acknowledged to be the flower of their profession, held a meeting to deliberate on the subject, and after a lengthened debate, in which Tillotson, Patrick, Sherlock, and Stillingfleet joined, it was determined not to read the Declaration, but to draw up a resolution, which was sent round the City, and received the signatures of eighty-five incumbents. This resolution was then transmitted to Lambeth Palace, where the primate and several of the bishops and friends of the Church were holding a similar consultation. The conduct

of the London clergy was approved, and letters were sent to the several provincial bishops, requesting them to come up without delay to London, and to strengthen the hands of their metropolitan at this conjuncture. The appeal was readily responded to, and, on the 18th, another meeting was held at Lambeth, at which Tillotson, Tenison, Stillingfleet, Patrick, and Sherlock were present. In this influential meeting, it was agreed to present, without delay, a petition to the King, written by the archbishop with his own hand, and signed by the six bishops who were then present, viz., Lloyd of St. Asaph, Turner of Ely, Lake of Chichester, Ken of Bath and Wells, White of Peterborough, and Trelawny of Bristol. As the primate had been forbidden the court, the six bishops went to Whitehall, at ten o'clock that very night, and were admitted into the King's presence by Sunderland, who refused to look at the paper first, as was ordinarily the custom, for fear of compromising himself. At first, the King, who had heard from his tool, Cartwright, Bishop of Chester, that the bishops were disposed to obey the royal mandate, but wished for some little modification in form, received the deputation graciously; but as soon as he read the petition his countenance changed: "You have betrayed me," he said; "this is a standard of rebellion. Did ever a good Churchman question the dispensing power before? Have not some of you preached for it and written for it? It is a standard of rebellion. I will have my Declaration published." The prelates fell on their knees, and besought the King not to use such harsh language towards those who were ready to die for him. "We put down the last rebellion," said one, "and we will not raise another; but, if we are compelled to choose, we have two duties to perform—our duty to God, and our duty to your Majesty: we honour you, but we fear God." The King replied, "God has given me the dispensing power, and I will maintain it. I tell you that there are still seven thousand in your church who have not bowed the knee to Baal." The bishops then respectfully retired, and within a few hours the document which they had placed in the King's hands was laid on the tables of all the coffee-houses of London, and was cried about the streets. The sensation which it produced was intense; the general feeling was respect for the bishops and hatred of the King, who had so belied his promises, and sacrificed the interests of his people. How this document got to the printer's hands is still a mystery. Sancroft declared that he had taken every precaution to prevent its publication, and had no other copy but that which James had taken out of Lloyd's hand. The veracity of the archbishop is beyond all suspicion. It is, however, by

no means improbable that some of the divines who assisted in framing the petition may have remembered so short a composition accurately, and may have sent it to the press. The prevailing opinion, however, was that some person about the King had been indiscreet or treacherous,* and thus it had got noised abroad.†

The next Sunday (May 20) was the first day appointed for the reading of the Declaration in the churches; but, out of the 10,000 clergy who administered her sacred rites, not more than 200 complied with the royal mandate; the rest, sanctioned by their diocesans, took no notice of it. Even in the chapel of St. James's Palace, the officiating minister had the courage to disobey the order. "Never," says Macaulay,‡ "had the Church been so dear to the nation as on the afternoon of that day. The spirit of dissent seemed to be extinct. Baxter, the renowned Nonconformist, who had been so often persecuted by the Church, pronounced from his pulpit an eulogium on the bishops and parochial clergy. The Dutch minister, a few hours later, wrote to inform the States-General that the Anglican priesthood had risen in the estimation of the public to an incredible degree. The universal cry of the Nonconformists, he said, was that they would rather continue to lie under the penal statutes than separate their cause from that of the prelates." It was thus plain that all hopes from the Dissenters were vanished; the whole Church party were firm to the prelates, and the King must now either yield at discretion, or engage in a contest with all his Protestant subjects.

A great diversity of opinion prevailed in the council, and even the King himself stood astounded at the fierceness of the storm he had raised. At first it was proposed to re-issue the order under more severe penalties, and to summon the bishops to answer for their dereliction of duty before the ecclesiastical commission; but this plan was afterwards abandoned, and it was determined to proceed against them, by ordinary course of law, for libel. On the 8th of June they were summoned to appear before the King in council, and, after a short examination, were informed that a criminal information would be exhibited against them in the court of King's Bench, and were therefore advised to throw themselves on the King's mercy, and to acknowledge their error; but, guided by the advice of the ablest lawyers in Westminster Hall, they refused to retract anything which they had done or said, and stood upon their right of peerage. A warrant was accordingly issued, directing the lieutenant of the Tower to keep them in safe custody, and a

* Burnet, i. p. 741.

† Macaulay, ii. p. 349.

‡ Hist. Eng. ii. p. 352.

barge was sent to convey them to their prison. As they glided down the Thames, they saw crowds of persons, anxious to receive their blessing, standing on the banks, and a general shout of "God bless your lordships!" arose not only from the shore, but from the numerous barges which lined the river. Never was such a time seen before; the whole population of the City was roused as one man, and the very guards who kept the Tower fell on their knees, when the venerable fathers of the Church landed at the Traitor's Gate. The nobles, who took great interest in the contest, resorted daily to the Tower, to lend their sanction and countenance to the bishops, and a deputation of Nonconformist ministers waited on them, to convey the sympathy and approval of their congregations. This latter mark of respect more especially galled the King, and he sent for four of their number to demand the cause of this sudden change of conduct. They courageously answered that they thought it their duty to forget past quarrels, and to stand by the men who stood by the Protestant religion.

At this critical moment occurred the birth of the Prince of Wales, who was to supplant the Princess Mary and her husband, the Prince of Orange. The time of the Queen's pregnancy had either intentionally or accidentally been miscalculated, and a few hours before her delivery she was removed, at dead of night, from Whitehall to St. James's Palace, where apartments had been very hastily fitted up for her reception. This circumstance, combined with the absence of many important personages, who, from their office and rank, ought to have been present at so important an occurrence, gave rise to a suspicion that some unfair play had been practised by the Jesuits to supersede the Protestant heir; and this suspicion was further increased by the rejoicings of the Papists, who had for several months been predicting, both from the pulpit and through the press, that a Prince of Wales would be given to the prayers of the Church. "Heated by such suspicions, suspicions unjust, it is true, but not altogether unnatural, men thronged more eagerly than ever to pay their homage to the saintly victims of the tyrant who, having long foully injured his people, had now filled up the measure of his iniquities by more foully injuring his children."* The Prince of Orange, not himself suspecting any trick, and not aware of the state of public feeling in England, ordered prayers to be said under his own roof for his little brother-in-law, and sent Zulestein to London with a formal message of congratulation. Zulestein, to his amazement, found all the people whom he met open-mouthed

* Macaulay, Hist. Eng. ii. p. 363.

about the infamous fraud just committed by the Jesuits, and saw every hour some fresh pasquinade on the pregnancy and the delivery. He soon wrote to the Hague, that not one person in ten believed the child to have been born of the Queen. Some maintained that the Queen had never been pregnant; others, that she had miscarried at Easter, and that one child, or even two successive children, had been substituted for the abortion. The Princess Anne remained incredulous, so did the learned Bishop Lloyd for many years. It was, in fact, a general delusion, from which neither reason nor good sense preserved men; it was most certainly no party fiction, though party might and did take advantage of it.

The more wary of the King's advisers recommended him to avail himself of the opportunity of the birth of the Prince of Wales to publish a general amnesty, which would include the bishops; but his priestly guides and his own obstinacy determined him to proceed. "Concession," said he, "ruined my father, and will ruin me." The indictment, therefore, remained uncanceled; and on the 15th of June, the first day of term, the bishops were brought up by writ of Habeas Corpus, to plead their cause before the court of King's Bench. An immense concourse awaited their arrival, and as they entered the hall a general expression of sympathy burst, as if involuntarily, from the assembled crowd, but no attempt was made to interrupt the course of justice. The Attorney-General opened the proceedings by exhibiting the information which he had been required to prepare, and demanded that the bishops should be called upon to plead; but the counsel on their side objected that they were not lawfully before the court, and that it was contrary to the custom of England for a peer to be required to enter into recognizances on a charge of libel. The first objection was overruled by the court, and the bishops pleaded "Not guilty," but the latter question, regarding the recognizances, was not persisted in, as the Crown lawyers saw it would greatly bias the decision of the jury if twenty-one temporal peers of the highest consideration, who were then present in court, should put in bail for the bishops; they were therefore permitted to depart on their own recognizances, on engaging to appear on the 29th.

When the great day of trial arrived, the bishops came to town, attended by a numerous troop of nobility and gentry; and although little doubt could be entertained as to the decision of the judges, who were, with the exception of Powell, mere tools of the court, yet the result of the proceedings was by no means so certain: for the odious services latterly required by the Crown of its servants had so disgusted the ablest jurists and

advocates of the Tory party, that they had one by one refused to act, and had been dismissed from their offices, which were now filled by men of secondary or even third-rate ability. On the opposite side were arrayed almost the whole skill and experience of the Bar; besides Sawyer and Finch, who were counsel for the defendants, there were Maynard, Pemberton, and Pollexfen, men who were not to be put down by any threats or intimidation. Even on the opening question, which was merely one of technicality, the identity of the document, the Crown lawyers were worsted, and obliged to shift their ground. It was proved that the signatures were genuine, but it was also requisite to show that the libel had been written in Middlesex, the county in which the indictment had been brought, and this the counsel for the Crown were unable to do; indeed, their opponents could prove the contrary, for the archbishop, in whose hand the petition was, had never quitted Lambeth Palace, from the time when the order in council appeared till after the petition was in the King's hands. The only resource was, therefore, to prove that it had been published in Middlesex—a circumstance which, at first, appeared of no great difficulty, as the fact of delivering the petition to the King was in the eye of the law a publication; but no one happened to be in the chamber at the time when this took place, except the King and the defendants, and it was scarcely seemly that his Majesty should be placed in the witness-box.

The case, therefore, for the Crown seemed to be closed, and the Chief Justice was beginning to sum up in favour of the bishops, amidst roars of laughter and shouts of triumph from the galleries, which the judges did not even attempt to silence, when Finch, too anxious to be discreet, interrupted the Chief Justice, and begged to be heard. Wright jocosely answered, "If you will be heard, you shall be heard; but you do not understand your own interest." The other counsel for the defence made Finch sit down again, and requested the Chief Justice to proceed; but the mischief was done: during the delay occasioned by this interruption, the news of what had passed had been reported to the King, and he despatched a messenger to say that the Lord President could prove the publication to the satisfaction of the jury. After waiting an hour, Lord Sunderland arrived in a sedan chair, pale and trembling, and with a faltering voice deposed, that the bishops had informed him of their intention to present a petition to the King, that he had admitted them into the royal closet for that purpose, and that when they came out, there was found the petition in the King's hand. The evidence was admitted as conclusive of the publication of the petition, and the trial then proceeded.

Hitherto the matter in dispute had been, whether a fact which everybody well knew to be true could be proved according to technical rules of evidence. The question now was, whether the petition presented by the bishops could be defined as a "false, malicious, and seditious libel." The counsel for the defendants argued at great length from the Journals of the House of Commons, that the dispensing power, which the bishops had objected to in their petition, had repeatedly been declared illegal by Parliament; and that it had from the earliest times been a privilege of the subject to petition the Crown. That, moreover, the charge of sedition and malice was unfounded, for the petition had not been distributed amongst the rabble, with the object of exciting the people against the Government, but had been delivered privately into the King's own hands, and that therefore it was not a libel, but a decent petition, "such as by the laws of England—nay, by the laws of imperial Rome, by the laws of all civilised states—a subject who thinks himself aggrieved may with propriety present to the sovereign." Williams, the Solicitor-General, replied in a lengthened speech, in which he defended the most arbitrary notions of prerogative, and concluded by saying, that no subject or body of subjects, except the Houses of Parliament, had any right or liberty to petition the King. Even many of his own friends stood aghast at the effrontery of his assertions, and the audience in the galleries saluted him with constant hisses and invectives.

The President of the Bench then summed up, without touching on the question of the dispensing power, but called the attention of the jury to the wording of the petition, which he asserted to be impertinent, and, in the contemplation of the law, a libel. The jury retired to deliberate, and continued in consultation all night. That night was a night of intense anxiety. Many of the inhabitants of London walked the streets till day-break, to secure places when the court should re-open; and the King is said never to have gone to rest all night; messengers were constantly despatched from Whitehall to hear what was passing, but nothing could be distinguished through the thick panels of the partition, except the angry voices of the jurymen, alternately rising and falling, which indicated that they had not come to an unanimous conclusion: nine were for acquitting and three for convicting; but two of the minority soon gave way, leaving Arnold, the King's brewer, alone in his opposition: in his agony of distress, as the story goes, he vociferated, "If I say Not Guilty, I shall brew no more for the King; and if I say Guilty, I shall brew no more for anybody else. Whatever

I do, I am sure to be half ruined. Indeed, my conscience is not satisfied of the innocence of the bishops. I will not acquit them." "If you come to that," said Austin, "look at me, I am the largest and strongest of the twelve; and before I find such a petition as this a libel, here I will stay till I am no bigger than a tobacco-pipe." At six o'clock, Arnold gave in his adhesion, and at ten the court was again opened, and Sir Roger Langley, the spokesman of the jury, pronounced their verdict, "Not Guilty." A shout of exultation arose from benches and galleries, which was repeated by ten thousand voices without, and was even heard in the City.

The good news spread fast, and before nightfall it was known throughout the most distant parts of the country that the Church was safe. "Never," said an eye-witness, "within man's memory, have there been such shouts and such tears of joy as to-day." The rejoicings of the City were re-echoed on the river, and the soldiers at Hounslow Heath caught up the sound, and answered by a treble cheer. The King, who had been reviewing them during the morning, was scarcely out of sight, when he heard a great shouting behind him, and on inquiring what the uproar meant, was informed that "it was nothing, but that the soldiers were glad that the bishops were acquitted." "Do you call that nothing?" said James; and then he repeated, "So much the worse for them." The defeat was certainly most humiliating; had it been on a question of technical defect or insufficiency of evidence, the prerogative would have suffered no shock, but the advocates of the Government had been, by universal acknowledgment, overmatched in the contest. "Not a single judge had ventured to declare that the Declaration of Indulgence was legal. One judge had, in the strongest terms, pronounced it illegal. The language of the whole town was that the dispensing power had received a fatal blow. Finch, who had the day before been universally reviled, was now universally applauded. He had been unwilling, it was said, to let the case be decided in a way which would have left the great constitutional question still doubtful: he had felt that a verdict which should acquit his clients, without condemning the Declaration of Indulgence, would be but half a victory. It is certain that Finch deserved neither the reproaches which had been cast on him while the event was doubtful, nor the praises which he received when it proved happy. It was absurd to blame him because, during the short delay which he occasioned, the Crown lawyers unexpectedly discovered new evidence. It was equally absurd to suppose that he deliberately exposed his clients to risk, in order to establish a general principle; and still more absurd was it to

praise him for what would have been a gross violation of professional duty." *

The attack of the King upon the Church, and the birth of the Prince of Wales, had produced a wonderful alteration in the sentiments of the Tory party. So long as there was the prospect of a Protestant successor, the Cavaliers consoled themselves with the consideration that the attempts of James might be borne with patience, as they could only continue for a few years; but now there was born a successor who would be nurtured in Popery, and a Popish regency under the Queen would be formed in case of the King's demise. No time was therefore to be lost. One remedy remained, and only one, quick, sharp, and decisive—a remedy which the Whigs had been but too ready to employ, but which had always been regarded by the Tories as in all cases unlawful: this was the transfer of the Crown to a more worthy head. Even the most scrupulous began to doubt the cogency of arguments, which, when applied to Puritans and Whigs, they had thought unanswerable. To remain neutral could not, they argued, be criminal. If the Christian religion prohibited them from taking part against a tyrant, it certainly did not require them to take up arms in his defence, and they therefore waited to profit by any change which might be brought about without their instrumentality. There were many historical questions, it is true, on which they did not entirely coincide with the Whigs. They would not go the length of acknowledging the justice of Charles's execution, or the lawfulness of Monmouth's rebellion, but they conceded that, in extreme cases, resistance was lawful, and the present they were willing to admit to be such; there was, therefore, no serious difference between them and the old Whig party, at least so far as the present crisis was concerned. The only question was that of time and place. How to enter on so hazardous an experiment as a revolution was a matter which surpassed the calculations of all ordinary men; the infinite chances of miscarriage, and the terrible memory of the Western circuit, were sufficient to stagger the stoutest heart; but the blood of Russell and Sidney boiled to see the fate of their kinsmen revenged, and these families undertook the initiative in this hazardous enterprise. Under the pretence of private business, Admiral Russell passed over into Holland, and paid a visit to the Prince of Orange, to whom he explained the state of public feeling, and besought him to land in England with a sufficient force to maintain his ground until the patriotic party should have time to assemble. The Prince, who had promised in 1687 to interfere in the event of the Parliament repealing the Test Act, and, who

* Macaulay, *Hist. Eng.* ii. p. 385.

was much disgusted at the pseudo-Gallic policy of James, listened attentively to his arguments, and said that he knew the national calamities of which he spake were but too true; but declined to interfere, unless he were assured by a written document, signed by their own hands, of the assistance and support of the leaders of the great parties in the state. "You remember," said he to Russell, "the fate of Monmouth, and he was a greater favourite with the people than I am. The independence of Europe and the safety of the Protestant religion, endangered by the ascendancy of France, at this moment mainly depend on me, and I should not be justified in risking so great a trust for the hazardous experiment of a descent upon England; but if you assure me of the sympathy of the nation, I am a friend to liberty, and should be much rejoiced to see the resources of England united with those of Protestant Europe for the defence of national independence." This answer was communicated by Russell to Devonshire, who readily answered for himself and his party; it was next broached to Shrewsbury and Danby, who also promised their adhesion; but Nottingham, who was naturally timid, although a man of great ability, was not so satisfied; at first he listened to the suggestions, and seemed to embrace them, but, on after deliberation, his conscience misgave him. "I am not equal to the task," said he to his companions: "I have conscientious scruples, and had better withdraw; but if you think me capable of betraying you, stab me, and I shall scarcely blame you; for, having once entered the league and then withdrawn from it, I have in a manner forfeited my life to you." This declaration much troubled the patriot leaders; but they continued to persevere, and obtained the signatures of Lord Lumley and Compton, Bishop of London. The document, written in cipher, was then despatched by Admiral Herbert, who crossed the Channel in the disguise of a private sailor, and delivered it safe into the hands of the Prince of Orange.

The Prince immediately commenced extraordinary preparations, for which the death of the Elector of Cologne furnished him an excuse. The King of France, Louis XIV., supported the election of Cardinal Furstemberg, who was his creature, and to whom he had given the bishopric of Strasburg, of which it was previously requisite that he should divest himself before putting up for the electorate of Cologne. The Pope, however, out of hostility to Louis, refused to accept his resignation; and at the election, though Furstemberg had a majority of votes over his competitor, Prince Clement of Bavaria, he did not obtain the requisite two-thirds. The choice then devolved upon Innocent, and he named Clement, who was only a youth of sixteen years

of age. The princes who formed the League of Augsburg were equally successful in getting their candidates elected to the vacant sees of Liege, Munster, and Hildesheim, and both sides now began to prepare for war. The Prince of Orange made loud professions of his apprehension of danger to the empire, and formed a large camp at Nimeguen; cannon and ammunition were bought up, and stowed away in the arsenals; soldiers and sailors were enrolled; new ships were put upon the stocks; and the several fleets were stationed in adjoining harbours, ready for actual service. These mighty preparations naturally awakened the suspicions of d'Avaux, the French minister at the Hague; he could not believe that they were intended solely for the German war, but it was long before he could ascertain with certainty that they were intended for England; when at length he discovered the secret, he lost no time in communicating it to his court, and Louis wrote immediately to James, apprising him of his danger, and offering to render him assistance, by invading the Provinces. The English monarch, however, with his usual obstinacy, refused to give any credit to the information, and professed to think that Louis was only trying to pick a quarrel between him and his son-in-law, in order to seize upon the States without interruption. The English ambassador at Paris, Skelton, saw the error of this view, and persuaded Louis to declare, by his minister at the Hague, that he was in alliance with the King of England, and would resent any attempt against his ally as a breach of peace with France. The Prince and his friends were momentarily staggered, for if Louis should invade the Provinces, there was an end of their project; it was certain that the States would not consent to their fleets and army embarking on a foreign expedition, while their own homes and fields were exposed to the ravages of the enemy. The Prince, however, was soon relieved from all anxiety on this head. James recalled Skelton in disgrace, for exceeding his commission, and committed him to the Tower. An alliance was then formed between the States and their neighbours of Germany, who undertook to defend the republic during the absence of the Prince of Orange. Louis laid siege to Philipsburg, on the Upper Rhine, but did not declare war with Holland; so that the States were in perfect security on all sides.

The preparations for the invasion of England now assumed an alarming aspect, and James could no longer blind himself to the danger of his position; but there seemed no way of extricating himself; he had rejected the offer of France, and had disgusted not only the people, but the army. It was in vain that he endeavoured to court the good graces of the Whigs by promising

to restore the charters to the corporations, and to issue new writs for the calling of Parliament, after the ancient manner. A sullen gloom, as if some great catastrophe were impending, hung over the whole nation; and when the declaration from the Prince of Orange arrived (Sept. 30), it was immediately printed, and copies were circulated throughout all parts of the country, notwithstanding the exertions of the Government to repress them. This document set forth that the Prince, by his near relationship to the Crown of England, felt it his bounden duty to interpose in protecting the civil and religious liberties of its people, and that his appearance in arms amongst them would not be with the thought of conquest, but solely to secure the assembling of a free and legal Parliament, to which should be referred all questions of public and private right. The royal army, under Lewis de Duras, the French Earl of Feversham, amounted to 40,000 men, and reinforcements were daily arriving from Ireland and Scotland; but so far from strengthening the King's position, the Irish importations only roused the indignant spirit of every Englishman. "Not even the arrival of a brigade of Lewis's musketeers," so says Macaulay, "would have excited such resentment and shame as our ancestors felt when they saw armed columns of Papists, just arrived from Dublin, moving in military pomp along the high roads." The Irish of the seventeenth century, it should be remembered, were not only hated and despised as foreigners and Papists, but were looked down upon by the English as a subject race, by far below themselves in arts and civilisation, and not belonging to the same great family of nations. Their employment, therefore, to keep down the people of England, while its constitution and liberties were invaded, created supreme disgust, not only among the people, but even in the army. A strange antagonism of duty and patriotism agitated the breast of every veteran; his allegiance and his discipline inclined him to obey the King, but his inclination and his reason prompted him to sympathise with the people. Such was the general feeling of the army which awaited the arrival of William.

The King had, in the interim, been making new efforts to regain the confidence of the Tory party: he put forth a proclamation, in which he solemnly promised to protect the Church of England, and to maintain the Act of Uniformity. He declared himself willing to make great sacrifices for the sake of concord, and requested Halifax to return to office; but this nobleman refused to do so, unless the King would consent to relinquish his dispensing power, and revoke all acts which had been done by its authority. This one point the King would not concede,

and the same ministers remained in office, with the exception of Sunderland and Father Petre, who was informed that his presence was no longer required at the council-board. James then (Oct. 2) summoned a meeting of the bishops who were in or near London, and requested their advice on the present aspect of affairs. The primate, answering in the name of his brethren, advised the King to relinquish his dispensing power, to dissolve the Ecclesiastical Commission, to redress the wrongs of Magdalen College, and to restore the old franchises of the municipal corporations. "There is one other point," said he, "which your Majesty would do well to consider, the evidences of Romanism, and perhaps, by the divine grace, your Majesty may be convinced that it is your duty to return to the religion of your father and grandfather. This would, more than any other concession, secure the throne and quiet the distracted realm." The King commanded himself sufficiently to return thanks for this unpalatable counsel, and promised to consider what had been said. Of the dispensing power he would not yield one tittle. No unqualified person was removed from any civil or military office. But some of Sancroft's suggestions were adopted: within forty-eight hours, the court of High Commission was abolished. It was determined (October 8) that the charter of the City of London, which had been forfeited six years before, should be restored; and the Chancellor was sent in state to carry back the venerable parchment to Guildhall. A week later (October 15) the public was informed that the Bishop of Winchester, who was, by virtue of his office, visitor of Magdalen College, had it in charge from the King to correct whatever was amiss in that society. It was also publicly announced that the King would no longer persist on the admission of Roman Catholics into the House of Commons, and that he contemplated the restoration of all the magistrates and deputy-lieutenants who had been dismissed for refusing to support his policy. The suspension of Compton was taken off; and a few days later (October 18) appeared a proclamation restoring the forfeited franchises of all the municipal corporations. "James," says Macaulay,* "flattered himself that concessions so great, made in the short space of a month, would bring back to him the hearts of his people. Nor can it be doubted that such concessions, made before there was reason to expect an invasion from Holland, would have done much to conciliate the Tories. But gratitude is not to be expected by rulers who give to fear what they have refused to justice." During three years the King had been proof to all argument and to all entreaty. Every minister who had dared

* Macaulay, *Hist. Eng.* ii. p. 463.

to raise his voice in favour of the civil and ecclesiastical constitution of the realm had been disgraced. A Parliament eminently loyal had ventured to protest, gently and respectfully, against a violation of the fundamental laws of England, and had been sternly reprimanded, prorogued, and dissolved. Judge after judge had been stripped of the ermine for declining to give decisions opposed to the whole common and statute law. The most respectable Cavaliers had been excluded from all share in the government of their counties for refusing to betray the public liberties. Scores of clergymen had been deprived of their livelihood for observing their oaths. Prelates, to whose steadfast fidelity the King owed the crown which he wore, had on their knees besought him not to command them to violate the laws of God and of the land. Their modest petition had been treated as a seditious libel. They had been brow-beaten, threatened, imprisoned, prosecuted, and had narrowly escaped utter ruin. Then at length the nation, finding that right was borne down by might, and that even supplication was regarded as a crime, began to think of trying the chances of war. The oppressor learned that an armed deliverer was at hand, and would be eagerly welcomed by Whigs and Tories, Dissenters and Churchmen. All was immediately changed. That Government which had requited constant and zealous services with spoliation and persecution, that Government which, to weighty reasons and pathetic entreaties, had replied only by injuries and insults, became in a moment strangely gracious. Every Gazette now announced the removal of some grievance. It was but too evident that, on the equity, the humanity, the plighted word of the King, no reliance could be placed, and that he would govern well only so long as he was under the strong dread of resistance. His subjects were therefore by no means disposed to restore to him a confidence which he had justly forfeited, or to relax the pressure which had wrung from him the only good acts of his whole reign.

On the 19th of October, the expedition, consisting of 60 men-of-war and 700 transports, carrying about 4,500 horse and 11,000 foot, with a great store of ammunition, commanded by the Prince in person, with Generals Schomberg and Ginckle second in command, set sail from Helvoetsluys. The wind being in the south-west, the fleet shaped its course for the north, intending to land in Yorkshire, where the Earl of Danby was waiting to raise the country on its arrival, but a storm coming on in the night from the west, compelled the fleet to put back, and some slight damage was done to the shipping.

The general impatience for the arrival of the Dutch became

every day more manifest: crowds of persons might be seen walking up and down in Cheapside, looking at the weather-cock on the graceful steeple of Bow Church; and prayers were offered up in many a private dwelling for the safe arrival of the Prince of Orange and a speedy change to the Protestant East Wind, as it was termed in England. The King employed the interval in calling together at Whitehall the peers, judges, lord mayor, and aldermen, for the purpose of proving by minute evidence the birth of his son: he, however, still relied upon his own power, knowing that he was twice as strong by land as his adversary; and, notwithstanding the many indications of disgust which the officers had manifested, it was James's firm opinion that they would remain faithful to his cause. On the 1st of November, after having waited near a fortnight for a change of wind, the Prince of Orange sailed a second time, accompanied by the Earls of Shrewsbury and Macclesfield, Admirals Herbert and Russell, and Burnet, afterwards Bishop of Salisbury. This time everything proceeded propitiously, and being carried westward by the Protestant East Wind, the Dutch fleet made the south-western coast of England, and landed at Torbay on the 5th of November, without having encountered the English fleet, under the Earl of Dartmouth, which was retarded both by wind and tide. The fleet, as it passed Dover, produced a deep sensation, and a messenger was despatched with the intelligence to the court at Whitehall, where he arrived just before midnight. The King, after a short delay, set out for Salisbury, where the head-quarters of the army then lay, and entrusting the conduct of the campaign to Feversham, he himself undertook to lead the troops to battle. It seemed that this was a judicious step, for William did not at first meet with the active support of his secret confederates; few men of importance joined his camp; and the people of Devon, remembering "Jeffreys' Campaign," were very cautious how they received him. It was even said that, at this juncture, the Prince thought of re-embarking with his whole army and returning to Holland, being resolved to publish the names of those who had invited and then deceived him; but the King's want of decision prevented him from taking advantage of this favourable crisis: instead of marching direct against the enemy, he convoked a council of war, and was persuaded by those who professed to be his most devoted friends, to adopt the cowardly advice of retreating towards London, whither he set out on the following day. The Prince's forces entered Exeter on the 8th of November, when Lieutenant-General Churchill and Lord Cornbury, son of the Earl of Clarendon, went over to the Prince with three

regiments of English cavalry. The ice being now broken, distrust spread through the whole army; the friends of the Prince were emboldened; the Lords Danby and Lumley began to raise men in Yorkshire, Lord Delamere in Cheshire, and Lord Devonshire in Nottinghamshire and the midland counties. On the second day of the retreat (November 24), Prince George and the Duke of Ormond, having supped with the King at Andover, went over to the Prince, and the following night the Princess Anne followed her husband's example. When James learned this, he exclaimed in an agony of despair—"God help me! my very children have forsaken me." Soon afterwards Lord Dartmouth wrote that he could no longer answer for the fidelity of his seamen; that many of the towns in the north and west had already declared for William, and that the university of Oxford had sent him its adhesion, and an offer of its plate. On this the King resolved to send the Queen and his son to France, and if expedient to flee thither himself; but in the meantime to ascertain whether a ray of hope still remained, he called a great council of the peers who were then in London, and by their advice he issued a proclamation convoking Parliament to meet on the 15th of January, and despatched (December 8) Lords Halifax, Nottingham, and Godolphin, as his commissioners, to announce to the Prince, who was at Hungerford, that all the causes of complaint alleged by his Highness, and which he had himself stated to be the only grounds of his hostile landing, were now removed: he therefore proposed that he should not advance nearer to the metropolis, in order that a really free Parliament might be held, and promised himself to abstain from any hostile demonstration.

Lord Clarendon also had repaired to the Prince, not with a view of making his niece queen, but, as his previous conduct and his subsequent proceedings authorise us to infer, to assist in effecting an amicable arrangement, which, according to outward appearance, seemed to be still possible. In the opinion of the Prince this was no longer feasible; he detained the commissioners till the sixth day, and then replied to the main point, that if his Majesty intended to remain in London while the Parliament was sitting, he required to be there also, with an equal number of guards; that if the King wished to be in the vicinity of London, he would take up his abode at a place equally distant; and lastly, that the respective armies were not to approach within thirty miles of London. This answer being thought by James to be unsatisfactory, he sent away his Queen and the young Prince during the night of the 9th of December, which was stormy and wet, to France, promising himself to

follow them within twenty-four hours ; but his disappointments were not yet ended. On the 10th, having destroyed the writs for the Parliament which had not yet been issued, and having written to Feversham dispensing with the further services of the troops, he retired to rest, commanding the Earl of Northumberland, who slept on a pallet in his chamber, not to open the door till the usual hour in the morning, for that he intended during the night to make his escape to France. At one in the morning of the 11th of December, the King got up and dressed himself ; he then went down the back staircase, and got into a boat which lay at the pier, undiscovered ; when he was in the midst of the river, he threw the great seal overboard, and landed at Vauxhall, whither he posted to Faversham, and got on board a custom-house hoy which had been stationed there for the purpose.

As soon as the King's flight became generally public, the fury of the populace vented itself upon the Roman Catholics. Their houses were attacked, their chapels destroyed, and the residences of the Spanish and Florentine ambassadors broken open, because they were suspected to contain Popish relics. Strict search was then made for Jesuits and priests, especially for Father Petre, who, however, had succeeded in making his escape some days previous into Flanders, as had also the ex-minister Sunderland, but Jeffreys was not so fortunate ; he was discovered near Wapping, in the disguise of a common sailor, and dragged, amidst the cries and violent assaults of the mob, before the lord mayor, who committed him for safety to the Tower, where he died shortly afterwards, before he could be brought to trial.

The Prince, on hearing the welcome intelligence of the King's flight, hastened towards London, and was at Windsor when he heard that the King had been seized and brought back to Faversham by some sailors, who, being on the look out for fugitives, mistook his hollow cheeks for those of Father Petre. The difficulty how to manage was now considerably increased ; the council of nobles who sat in London, at the Guildhall, as a provisional Government during the interregnum, fearing lest some injury might be done to the royal person, had sent a detachment of 200 guards to escort the King to London, and when he entered the City, a general demonstration of joy had taken place, bells were rung, bonfires lighted, and the populace shouted. James, thinking to take advantage of this demonstration of loyalty, sent for the lord mayor and several of the aldermen, and demanded whether, if he placed himself under their protection, the City would guarantee his personal safety. The citizens wisely declined this delicate task, saying that they could not promise what they were not sure of being able to perform ; and

the Prince, seeing that no time was to be lost, sent that very night (December 17) to occupy Whitehall. When the Dutch troops appeared, Lord Craven, who commanded the English guards, prepared for resistance; but James, seeing that the contest was hopeless, repressed the ardour of the veteran of eighty, and the Dutch guards took the place of the English.

The next night, a little before midnight, the King retired to rest; but he was soon aroused from his sleep by the Marquis of Halifax and Lords Shrewsbury and Delamere, who had come from the Prince with a written message, requiring him to quit Whitehall before noon, and to retire to Ham, the country seat of the Duchess-dowager of Lauderdale, for the sake of the tranquillity of the capital, and the King's greater security. James objected to Ham as damp and cold, and proposed Rochester, from which place he had no difficulty a few days afterwards (December 22) in effecting his escape to France, in company with the Duke of Berwick. Before two hours had elapsed from the King's departure, the Prince arrived in London with 6,000 troops, and took up his residence at St. James's. His first care was to convoke an assembly of the peers, that they might take the state of the nation into their consideration. On the day appointed (December 21), about seventy peers spiritual and temporal assembled in the House of Lords, and the Prince addressed them as follows:—"My Lords, I have desired to meet you here to advise on the best manner to attain the object of my public declaration, by calling a free Parliament, for the preservation of the Protestant religion, and restoring the rights and liberties of the kingdom, and securing them against the danger of being again subverted." Having spoken these words, William again withdrew, leaving the Lords to deliberate at their pleasure. They immediately proceeded to declare themselves lawfully assembled, and elected Lord Halifax as their president; they then voted that the address which had been received from the King, excusing his flight to France, and accusing the Prince of Orange of perfidy, should not be read; and resolved (December 25th) that the Prince should be requested to take on him the administration of all public affairs till the 22nd of January, when they recommended that a convention should be called. The Prince, however, justly hesitated to accept such great powers from the hands of the Lords alone; he needed a declaration of the will of the people, and as Parliament could not be legally summoned without the King's writ, he invited as many members of the various Parliaments of Charles II. as could be collected, to attend at Whitehall, and added to them the lord mayor, the aldermen, and fifty members of the common council of London.

This body, which met on the 26th of December, confirmed the temporary concession of the supreme power to the Prince, and recommended him to summon a Convention Parliament, to meet on the 22nd of January, as the Lords had done.

1689.]—Meanwhile, the Prince administered the government with vigour and moderation. On the last Sunday of the year, he received the sacrament at St. James's Chapel, from the Bishop of London, to remove any apprehensions of a design to alter the discipline of the Established Church, and the same day issued a declaration, authorising all officers and magistrates (except Papists) to continue to act in their respective offices and places till the meeting of the convention. He then reformed several abuses in the collection of the revenue, and published an order, withdrawing his troops out of the respective cities and boroughs of England during the time of election, so that the choice of members should be entirely free; he also gave great satisfaction to the tradesmen and farmers, by declaring that none of his forces, of what nation soever, should be quartered in any private house without the owner's consent. Indeed, so completely had he gained the confidence of the nation, that the City voluntarily subscribed the sum of £200,000 for the public service in the short space of four days. When the convention met on the appointed day (January 22), the Prince addressed to both Houses a letter, recommending the settlement of the kingdom, the condition of the Protestants in Ireland, and, above all, despatch and unanimity in their resolutions. The Houses replied by an address expressive of warm gratitude, and requested the Prince to continue his administration for the present, as his full powers would otherwise have expired on the first day of the session. They then adjourned for six days; but the more eager was the struggle of the contending parties without the walls of Parliament. The High Church and the Tories were anxious for a Regency; but they were opposed by the country party, which desired that William should be King; this latter party, however, was divided into two sections: the one, headed by Lord Danby, was for giving him the nominal title of Majesty, and the authority to Mary; while the other would invest him with the full regal authority, in which they agreed with Lord Halifax, who had become President of the House of Peers.

When the convention met again, on the 28th of January, the Commons formed themselves into a Committee of the whole House, of which Hampden, grandson of the great John Hampden, was chairman; they then resolved, "That King James II., having endeavoured to subvert the constitution, by breaking the original contract between King and people, and, by the advice

of Jesuits and other wicked persons, having violated the fundamental laws, and withdrawn himself out of the kingdom, had abdicated the government, and that the throne had thereby become vacant." The House having resumed, agreed to this motion, which was carried up to the Lords by Mr. Hampden. On the following day, the Commons further voted, "That it hath been found by experience to be inconsistent with the security and welfare of this Protestant kingdom to be governed by a Popish prince." By this last resolution, as far as the Commons were concerned, the son of James was excluded from the succession to the throne. When these important votes were sent up to the Lords for their concurrence, a motion was made not to agree with the Commons, that the throne was vacant, but only to suppose it for the present, and determine first "whether the throne being vacant, it ought to be filled by a Regent or a King." This question was debated with great warmth. The Earls of Nottingham, Clarendon, and Rochester, were the chief managers in favour of a Regent, in opposition to the Marquis of Halifax and the Earl of Danby, who strenuously asserted the necessity of filling the throne with a Protestant prince. The debate being ended, fifty-one voted for a King, and forty-nine for a Regent. It was next debated whether or no there was an original contract between King and people. The House having divided upon the question, fifty-three were for the original contract, and forty-six against it. After this, it was soon carried in the affirmative, "That King James had broken the original contract." Then they took into consideration the word "abdicated," and concluded without a division that the word "deserted" was more proper. They examined also the word "vacant," and the question was put, "Whether King James having broken the original contract, and deserted the government, the throne was thereby vacant?" Upon a division, those who maintained the King never dies, and consequently that the throne is immediately filled by the next heir, carried it against the vacancy by eleven votes. Whereupon, a motion being made that the Prince and Princess of Orange should be declared King and Queen, this was negatived by five votes, though protested against by forty Lords.

Now, as the Lords had unanimously agreed to the resolution of the Commons, that no Papist should be King, the only course left, if they would act consistently, was to recognise the Princess Mary, the eldest daughter of James, as their Queen; and to this effect Danby wrote to the Princess of Orange at the Hague, assuring her that it depended only on herself to become Queen of England. But the Commons, adhering to their vote, rejected all the amendments of the Lords; and in a declaration, drawn

up by Hampden, insisted on the vacancy of the throne, and desired a conference with the Lords by deputies from both Houses. To this end each House appointed its most distinguished members; for the question at issue was, either peace or a return to all the horrors of an interminable civil war. In this conference, the Lords alleged that even if James had deserted, or as the Commons would have it, abdicated the government, the latter of which included a voluntary renunciation, yet there did not follow such a vacancy of the throne as could render the Crown elective; for that the monarchy was hereditary, according to the fundamental constitution, and therefore no act proceeding from the King alone could destroy the hereditary right of those who were entitled to the succession.

The arguments of the Lords were certainly conformable to the principles of the constitution in the ordinary course of things, while those of the Commons were sanctioned by the imperative urgency of the inevitable crisis. "If the throne is not vacant," said Hampden, "tell us who fills it?" "The word deserted," said another of the Commons, "implies the right of returning; abdication is renunciation. Do you desire a resumption?" To this the deputies of the Upper House replied: "Is there an abdication which is not voluntary? Look in Grotius." To this the Commons rejoined: "We do not desire to make the Crown always elective." So much they conceded, and thus the opinions of both parties approximated. The sum and substance of the conflicting principles was, that the Lords rejected the Papist James and his son; the Commons boldly advanced a step further in favour of William. "If a fault has been committed," said the Commons, "you were the first to commit it, by confiding the government to William." "That was done only as a precautionary measure against King James, without prejudice to his heirs." To this it was replied, "So long as a man lives he has no heirs—*Nemo est hæres viventis*." The Lords at length gave in, and the original vote was passed without amendment. Though these arguments may appear irrelevant, both parties being agreed as to the necessity of placing a Protestant sovereign on the throne, yet they involve a great question of constitutional law, which the vote of the Commons decided—the right of Parliament to regulate the succession to the throne. "This revolutionary arrangement," says Lord Brougham,* "grounded entirely upon the will of the people in a state of resistance to their hereditary rulers, is the whole foundation of the title by which the House of Brunswick now enjoys the crown. Cavils have sometimes been attempted, as if there had been no actual

* Brougham, British Const. chap. vii. p. 102.

resistance in 1689, and they are only worthy of those antiquaries who deny a Conquest in 1066, and read Conqueror, Acquirer. There had been arms taken in almost all parts of the country, but especially, and on a large scale, in Yorkshire, Notts, and Cheshire. There was a foreign army in the country, for no other purpose than to put down all attempts on the King's part. His troops for the most part joined the Prince, and by resistance to James he was deposed. Nothing therefore can be more clear than that the whole proceeding was revolutionary; that the change was effected by the resistance of the people to their sovereign; that his assent was neither obtained nor asked, nor in any way regarded; and that the supreme power, having been forcibly seized by the nation, was used to instal a new chief magistrate in the throne."

While these matters were in agitation, the Prince conducted himself with infinite prudence and good policy; he entered into no intrigues with either of the Houses of Parliament, but during their whole deliberations preserved a total silence. At length, when the different opinions had been resolved into two distinct proposals, either that a Regent should be appointed, or the Crown settled upon the King's eldest daughter, Mary, the Princess of Orange, and, in case of her issue failing, upon the Princess Anne, he sent for the Marquis of Halifax, the Earls of Danby, Shrewsbury, and some others of the principal nobility, and announced to them: That having been invited into the kingdom to restore its liberties, he had now happily effected that purpose; that it behoved not him to interfere in the determination of the legislature with regard to the settlement of the Crown; but that, being informed as to the two alternatives which were proposed, he thought it his duty to declare, that in executing either of these plans he could give no assistance. He had, he said, no objection to a Regency, nor did he oppose his consort being made Queen, but he was resolved not to be King by courtesy, nor would he consent to wear the crown only during the life of his wife. He would willingly return to Holland with his army; but if they would retain him, he, having no children, was ready to agree that the issue of Anne, Princess of Denmark, should be preferred in the succession to any children he might have by a second wife; he was also willing that Mary's name should be joined with his in all royal acts, but that the government must appertain to him alone. The sister Princesses seconded these views of the stadtholder, and the principal parties being thus agreed, a bill known as the *Act of Settlement* was proposed and passed by the convention, settling the Crown on the Prince and Princess of Orange during their

joint lives and that of the survivor, but the sole exercise of the royal power to be vested in and executed by the Prince alone in the name of both their Majesties during their joint lives, the succession to go to the heirs of the Princess Mary, and, in default of such issue, to the Princess Anne and her heirs, with remainder to those of the Prince of Orange by any other wife. A subsequent article in the Act of Settlement declared, that whereas it hath been found by experience to be inconsistent with the safety and welfare of this Protestant kingdom to be governed by a Popish prince, or by any king or queen marrying a Papist, the Lords spiritual and temporal and Commons do further pray that it may be enacted, that all and every person who shall be reconciled to the Church of Rome, or shall marry a Papist, shall be excluded and be for ever incapable to inherit the Crown or Government of these realms, or to exercise any regal power, authority, or jurisdiction within the same; and in all and every such case the people shall be, and are hereby absolved of their allegiance; the Crown to descend to such person or persons, being Protestants, as should have inherited the same in case the person or persons so reconciled or marrying as afore-said were naturally dead.

This settlement of the Crown was effected in England by the entire coalition of the Whigs and Tories, who only differed on some minor points. But in Scotland it was not so: in that country, a convention being assembled as in England, the Tories finding themselves in the minority withdrew, and the vote investing the Prince and Princess of Orange with the title of King and Queen of Great Britain was passed by the Whigs alone. Many of the Tory nobility retired to their own estates, or took shelter in the Highlands, where they endeavoured to raise forces for King James; but finding themselves greatly outnumbered, they laid down their arms and took advantage of the pardon offered by King William. The abolition of Episcopacy and the re-establishment of Presbytery took place soon after; and thus finally terminated the struggle between the Crown and the people of Scotland on the subject of religion. In Ireland the Lord-Lieutenant, Tyrconnel, continued to hold out for James, and a fierce and bloody struggle ensued; but as this occurred at a later period, it will be treated of under the reign of William III.

The order of the succession having been thus fixed, the convention thought this the opportune moment for securing some more definite acknowledgment of the ancient rights and liberties of the subject; a document was accordingly drawn up, called the Declaration of Rights, enumerating the grievances endured

by the nation under the late King, and defining the nature of the constitution, with respect to the rights of the subject and the royal prerogative. This Declaration was affixed to the Act of Settlement, not indeed as a new restriction on the prerogative, but simply as an explication of the spirit of our ancient constitutional law, as it had been repeatedly recognised by former sovereigns. On the 13th of February the Prince and Princess of Orange publicly assented to this Declaration, as a condition of inheriting the Crown; and before the end of the year it was passed into a law in due form, and was thenceforth known as the Bill of Rights. By this important statute it is declared:—

1. That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.
2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.
3. That the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions of like nature, are illegal and pernicious.
4. That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner, than the same is or shall be granted, is illegal.
5. That it is the right of the subjects to petition the King; and all commitments and prosecutions for such petitioning are illegal.
6. That the raising or keeping of a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law.
7. That the subjects which are Protestants may have arms for their defence, suitable to their conditions, and as allowed by law.
8. That election of members of Parliament ought to be free.
9. That the freedom of speech, and debates or proceedings in Parliament, ought not to be impeached or questioned in any court or place out of Parliament.
10. That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.
11. That jurors ought to be duly impannelled and returned; and jurors sitting upon trials for high treason ought to be freeholders.
12. That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void.
13. And that for redress of grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently.

All which premises the Lords spiritual and temporal and the Commons do claim, demand, and insist upon, as their undoubted rights and liberties, and that no declarations, judgments, doings or proceedings to the prejudice of the people in any of the said

premises, ought in any wise to be drawn hereafter into consequence and example.

This Declaration of the people's liberties having been read by the Clerk of the Crown in the presence of the Prince and Princess of Orange, they were solemnly crowned at Westminster, April 11th; and a bill passed both Houses, and received the royal assent, converting the assembly which had hitherto acted as a convention into a Parliament.

Thus, the great struggle, which had continued from the reign of John, between the Crown and the people of England, was at an end, at least so far as the theoretical action of our constitution was concerned. "But it behoves us," observes Lord Brougham,* "ever to bear in mind how easily absolute power may be exercised, and the rights of the people best secured by law be trampled upon, while the theory of a free government remains unaltered; and all the institutions framed for the control of the executive government, and all the laws designed for the protection of the subject, continue as entire as at the moment they were first founded by the struggles of the people, and cemented by their labour or their blood. This is the great lesson which the whole history of the constitution, which we have just been engaged in tracing from the earliest times, teaches: Unless the people continue watchful over their own rights and their own interests, the best constructed system of polity can afford them no shelter from oppression, no safeguard against the mismanagement of their concerns. The thirty renewals of the Magna Charta—the constant and almost unresisted invasions of the exclusive right of Parliament to levy taxes by the Plantagenet princes of the house of York—the base subserviency of the Parliament to the vindictive measures of parties, alternately successful, during the troublous times of the Lancaster line—the yet more vile submission of the same body to the first Tudors—their suffering arbitrary power to regain its pitch after it had been extirpated in the seventeenth century—the frightful lesson of distrust in parliaments, and in all institutions and all laws, taught by the ease with which Charles II. governed almost without control, at the very period fixed upon by our best writers as that of the constitution's greatest theoretical perfection—and, above all, the very narrow escape which this country had of absolute monarchy, by the happy accident of James II. choosing to assail the religion of the people before he had destroyed their liberty, and making the Church his enemy, instead of using it as his willing and potent ally against all civil liberty—these are such passages in the history of our government as

* Brougham, *British Const.* chap. viii. p. 103.

may well teach us to distrust all mere statutory securities; to remember that judges, parliaments, and ministers, as well as kings, are frail men, the sport of sordid propensities, or vain fears, or factious passions; and that the people never can be safe without a constant determination to resist unto the death as often as their rights are invaded"—a recourse, indeed, terrible in itself, but which the very determination to use, renders its employment unnecessary.

CHAPTER XXVIII.

CONDITION OF THE PEOPLE UNDER THE TUDORS AND STUARTS.

Progress of commerce in the sixteenth and seventeenth centuries—Commercial policy of Henry VII.—Company of Merchants Adventurers—Laws against usury—Royal Exchange—Giro Bank—Introduction of new manufactures—Voyages of discovery—Whale fisheries—Naval ascendancy of England and Holland—East India Company—Decline of the Spanish and Portuguese trade—Slave trade—Colonial policy—Effects of commerce on the national character—Condition of England at the close of the seventeenth century—Change in the physical aspect of the country—Extent of cultivation—Increased productiveness of the soil—Value of land—Condition of the upper and middle classes—Severity of the law—Hardships endured by the labouring population—Excess of paupers and beggars—Increased longevity.

THE period we have just been reviewing was distinguished by a marked advance in the commerce and public policy, not only of this country, but of all Europe. In England, more especially, the sixteenth and seventeenth centuries differed from the preceding ages almost as the day from the night, in respect of the activity and progress of the nation in every field of exertion and enterprise. "It can easily be proved," says Macaulay, "that, in our own land, the national wealth has, during at least six centuries, been almost uninterruptedly increasing; that it was greater under the Tudors than under the Plantagenets; that it was greater under the Stuarts than under the Tudors; that, in spite of battles, sieges, and confiscations, it was greater on the day of the Restoration than on the day when the Long Parliament met; that, in spite of maladministration, of extravagance, of public bankruptcy, of two costly and unsuccessful wars, of the pestilence, and of the fire, it was greater on the day of the death of Charles II. than on the day of the Restoration."

The period, however, of the greatest progress in the national industry was undoubtedly the reign of Henry VII., when, recovering from the disorders of the civil wars, England again turned her energies to the pursuits of industry. The rate of

wages was almost immediately doubled; and during the abundant years which followed, a permanent improvement took place in the social condition of the working classes. The commencement of the sixteenth century was, in fact, the transition period from the ancient to the modern state of society; the feudal customs and institutions, so adverse to the genius of commerce, being rapidly superseded under the enlightened policy of Henry VII. That intelligent monarch, after having established peace and order in the kingdom, devoted his attention to the encouragement of commerce and manufactures, and by his treaties with foreign states secured many advantages to the English merchants. The treaty concluded with Denmark in 1490 provided that the English should freely enjoy for ever all the lands and tenements they possessed at Bergen in Norway, Lund and Landseron in Sweden, Dragor in Zealand, and Lausza in Poland, at all which places English residents and commercial establishments were formed; while similar arrangements were made with Pisa and Florence. A statute was passed prohibiting the exportation of wool except in English bottoms, a regulation which partook of the nature of a monopoly, for though it improved the condition of the English merchant, by securing to him the gains of transport, it reduced the price of wool, and prevented the competition which had formerly existed amongst foreign merchants.

The establishment of the Company of Merchants Adventurers, about the same time, into a corporate body,* also tended to favour the progress of commerce, by giving the English merchants the advantages of association and accumulation of capital. This important element of power, however, was temporarily abused by the London merchants, who, having become a rich and powerful company, endeavoured to monopolise the whole foreign trade of the country, by asserting a right to prevent any private adventurers from resorting to a foreign market without their license: this restriction at length became so intolerable to the provincial towns, that the Parliament interfered to fix the fine to be paid to the London company at the moderate sum of ten marks, or about seven pounds, by every merchant entering their association.

The same Parliament passed an act of a more questionable character, prohibiting all borrowing or lending of money upon interest, even at a reasonable rate; for it was argued that although it might be a great convenience to the merchant to

* This company had been in existence since the commencement of the fourteenth century, but did not obtain the royal charter of incorporation till 1505.

obtain ready money on an emergency, many nobles and honest gentlemen had been ruined and reduced to beggary by Jews and extortionate money-lenders, who fed on the hard-earned gains of the people. This prejudice was not confined to the ignorant and vulgar, but was participated in by bishops and statesmen, who, from a misapprehension of certain passages of Scripture, inferred that all dealing in money had been forbidden by the Levitical law; the sanction of religion being thus added to the force of prejudice. The mischief and inconvenience, however, which attended the enforcement of so severe a law prevented its complete efficiency; those who were obliged to borrow money were compelled to pay an exorbitant interest to cover the additional risk of non-payment (the debt not being recoverable by law), and before long the Parliament was obliged to revise its decision, a rate of interest being fixed at ten per cent. (stat 37 Hen. VIII. c. 9). This regulation placed commerce on its legitimate footing, and shortly after led to the foundation of the Royal Exchange by Sir Thomas Gresham, and (in the reign of Charles I.) to the opening of the Giro Bank, from which period our commercial position may be said to have originated.

Even at this early time, many of the rich bankers of Italy and Flanders had established themselves in London, and begun to transfer thither their capital, for greater security; for although by no means so far advanced in commerce and manufactures as the republics of Italy and the provinces of the Low Countries, yet this country was certainly in advance of the other great monarchies of Europe, which affected to despise the advantages of commerce, and, by the cruel and tyrannical policy of their governments, expelled from their shores those who would by their industry have rendered themselves powerful and wealthy. Thus, the Huguenots of France and the Protestant inhabitants of the Low Countries were compelled to seek shelter in England and Germany, from the persecutions of Charles IX. and Philip II., and brought with them their knowledge of manufactures: the silk weavers established themselves in Spitalfields and Norwich, the cotton-spinners in Manchester,* and the glass-blowers in Staffordshire; while the engineers and mechanics from Holland found employment in draining the fens of Cambridgeshire and Lincolnshire, and in erecting mills for the grinding of corn, the manufacture of paper, and the preparing of flax. Thus, the English who had formerly been the importers now became the exporters of manufactured goods,

* Cotton, which had only latterly been introduced into Europe, was brought from Cyprus and Smyrna.

and outsold in their own markets the very people of whom they had formerly been purchasers.*

The spirit of emulation was rife, in the sixteenth century, in every country of Europe; and the brilliant discoveries of Columbus and of Vasco de Gama tempted even princes and nobles to embark their fortunes in nautical enterprise. While the Spaniards were ransacking the mines of Mexico and Peru, and the Portuguese establishing their dominion in India, the English, under the guidance of John and Sebastian Cabot, sailed to the north-west, in hopes of discovering a shorter passage to India or China; and although they failed in the object of their search, the discoveries they made in these voyages led to a traffic of infinitely more value to its possessors than the silver mines of Peru or the spices of India. The northern voyagers discovered in their explorations vast shoals of herrings and cod on the banks of Newfoundland and in the waters of the Baltic, which, together with the inexhaustible supply of whales off Greenland and Spitzbergen,† formed an almost boundless field for the profitable investment of capital, and a ready school for the nurture of a race of hardy and skilful seamen such as no other traffic could produce. In a few years the Spaniards and Portuguese found themselves rivalled on every sea by the English and Hollanders, who intercepted their galleons, and cut off their communication with their settlements in the East. When, in 1588, Philip II., aiming at universal dominion, equipped a fleet, the largest which the world had ever seen, for the conquest of England, it was met and defeated in the Channel by the English fleet, which, although greatly inferior in size of vessels and weight of metal, was manned by much hardier sailors, who, in their light barks, encountered the storm which drove the enemy on the sand-banks of Holland. On the fall of the Armada was founded the naval supremacy of England. Elizabeth retaliated the aggression of Philip by carrying the war into his own dominions: besides intercepting the West India fleet and making descents on the American settlements, the Spaniards were attacked in their own harbours, Cadiz plundered, Lisbon threatened, and the navy of Spain, then the greatest maritime power in the world, effectually crippled.

Nor was this activity confined to martial adventure; the spirit of commercial enterprise was equally active. Captain

* Queen Elizabeth, in order to put a stop to the growing luxury of her times, issued a proclamation (1574), that every one, within fourteen days, should wear clothes of such a fashion as herself should fix the pattern of.

† The first whale fishery was established by the English, in 1598, at Spitzbergen.

Lancaster sailed to the East Indies (1591), to begin a trade there, and returned richly laden. Ten years afterwards the East India Company was formed, under a charter granted by the Queen to the Earl of Cumberland and 215 knights, authorising them to pursue voyages and to establish settlements in the East Indies; factories soon were erected in China, Japan, India, Amboyna, Java, and Sumatra, and in their first voyage the company is reckoned to have spent £72,000 for outfit, ships, goods, &c., a vast sum in those days to be advanced on any commercial enterprise. But the palmiest days of the English navy were not yet arrived: under the admirals of the Commonwealth, the superiority of the English ships was attested, not only over those of Spain and France, but over those of her much more powerful rivals, the Dutch, who, by their valour and industry, had raised their country from a barren swamp to be one of the most wealthy and densely populated spots in Europe. The terror of the English arms was now felt in the most distant parts of the world, and our country began to assume a more important position with regard to foreign states.

It was certainly a fortunate circumstance for the interests of civilisation, that at the time when Spain and Portugal, the discoverers of the Eastern and Western worlds, had begun to decay, a new race, invigorated with the healthy spirit of Protestantism, appeared to supply the place they were about to relinquish. Instead of the trade of the Indies having benefited Spain, the influx of the precious metals, without a corresponding development of the national resources, had induced a mode of living which was by no means calculated to elevate the tone of the national character: the greater part of the people lived in idleness and luxury, dependant on foreigners for the comforts and many of the necessaries of life; the gold which they wrung from the hands of the unfortunate Indians was no sooner brought to Europe than it was scattered to foreign countries, to purchase the commodities of which they stood in need, but were too idle and luxurious to produce for themselves; while the power which the possession of such vast treasures gave to their kings enabled them to stifle the last sparks of liberty, which the union of the kingdoms under Ferdinand and Isabella, and the cruel rule of the Moors, had left to them. With liberty fled courage and self-reliance; the soldiers of Spain, so renowned throughout Europe, now feared to meet even an inferior enemy in the field; the very Indians, in many places, rose and expelled them from their territories; the Portuguese threw off their yoke; and their possessions in the East and West passed into the hands of the English and Dutch; the colonies which remained to them

were more burdensome than profitable; and at this day we may read the great moral lesson which Spain unfolds to us, in her present degraded and impoverished condition, of a great nation ruined, not by the violence of its external enemies, but by the effeminating influence on the spirit of its citizens of a too easily acquired wealth.

With the dominion of Spain, England also inherited part of her trammels: the slave trade and the "colonial system" were iniquities attendant on our American conquests; and although at length we have had strength and energy sufficient to cast them off, it has not been without a severe struggle and the severance from Great Britain of her American colonies. In the seventy years that have since elapsed, the barriers with which the European powers fenced in their territories beyond sea have successively fallen, and the old war of prohibitions has, in this department at least, become everywhere impossible. The evil effects, however, of the slave trade have not yet disappeared; they are, indeed, painfully evident in the schism between the Northern and Southern States of America at this moment, and threaten to create a permanent rupture in one branch of the great Anglo-Saxon family. It is indeed clear that the material well-being of states rests mainly on their spiritual enlightenment, and that no advantages of site, no fortunate accident of priority, can secure possessions which are not held by a wise government and a virtuous people. Reciprocally, the national character of a people is greatly influenced by its foreign relations. "The exchange between the productions of distant lands, which opened a mine of wealth to Europe, and raised in all ranks the scale of physical enjoyments, was itself not the most prolific effect of that movement on the arts of life. Navigation became of necessity the mother of science. Foreign traffic, by its influence on production—by promoting the division of labour and the establishment of marts of commerce—by stimulating and supplying means for home improvements—roads, harbours, canals—by awakening new forms of associated enterprise, and requiring new means for anticipating and disposing of the wealth it acquired—by creating fiscal resources previously unknown, and by opening political views till then inconceivable, was the parent of the whole modern economy of nations."

Prodigious as was the advance which commerce made during these two centuries, the condition of England at the close of the seventeenth century was vastly different from what it is at present. If we could transport ourselves back to the seventeenth century we should see straggling huts built of wood and covered with thatch, where we now behold manufacturing towns and

sea-ports, renowned to the farthest ends of the world. Our capital itself would shrink to dimensions not much exceeding those of its present suburb on the south of the Thames. Not less strange would be the garb and manners of the people, the furniture and equipages, the interior of the shops and dwellings. Indeed, so great has been the change which has since taken place in the physical aspect of the country, that few noblemen of the time of Charles II. would now recognise their own estates; the great landmarks remain unchanged, but regions which were at that time dismal swamps are now richly cultivated meadows and corn-fields, intersected with hedgerows, and interspersed with villages and hamlets, where the busy sounds of industry have succeeded to the call of the heron and the cry of the wild fowl. "In the drawings of English landscapes made in that age," says Macaulay,* "for the Grand Duke Cosmo, scarce a hedgerow is to be seen, and numerous tracts, now rich with cultivation, appear as bare as Salisbury Plain.† At Enfield, hardly out of sight of the smoke of the capital, was a region of five-and-twenty miles in circumference, which contained only three houses and scarcely any enclosed fields. Deer, as free as in the American forests, wandered there by thousands. It is to be remarked that wild animals of large size were then far more numerous than at present. The last wild boars, indeed, which had been preserved for the royal diversion, and had been allowed to ravage the cultivated land with their tusks, had been slaughtered by the exasperated rustics during the license of the Civil War. The last wolf that has roamed our island had been slain in Scotland a short time before the close of the reign of Charles II.; but many breeds, now extinct or rare, both of quadrupeds and birds, were still common. The fox, whose life is, in many counties, held almost as sacred as that of a human being, was then considered as a mere nuisance. The red deer were then as common in Gloucestershire and Hampshire as they now are among the Grampian hills. On one occasion Queen Anne, on her way to Portsmouth, saw a herd of no less than five hundred. The wild bull with his white mane was still to be found wandering in a few of the southern forests. The badger made his dark and tortuous hole on the side of every hill where the copsewood grew thick. The wild cats were frequently heard by night, wailing round the lodges of the rangers of Whittlebury and Needwood. The yellow-breasted martin was still pursued in Cranburne Chase for his fur, reputed inferior only to that of the

* Hist. Eng. i. p. 311.

† Large copies of these highly interesting drawings are in the noble collection bequeathed by Mr. Grenville to the British Museum.

sable. Fen eagles, measuring more than nine feet between the extremities of the wings, preyed on fish along the coast of Norfolk. On all the downs, from the British Channel to Yorkshire, huge bustards strayed in troops of fifty or sixty, and were often hunted with greyhounds. The marshes of Cambridge-shire and Lincolnshire were covered during some months of every year by immense clouds of cranes. Some of these races the progress of cultivation has extirpated; of others the numbers are so diminished that men crowd to gaze at a specimen as at a Bengal tiger or a Polar bear."

Even since the commencement of the reign of George II., it is estimated that more than 10,000 square miles of common and moor have been brought into cultivation under enclosure bills, which, together with the vast extent of private lands which, in the seventeenth century, were lying waste, must have constituted more than one-fourth of the whole surface of England. The lands, too, which were then in cultivation produced nothing like the yield which is obtained at present: instead of the average crop of wheat exceeding fifteen millions of quarters, the whole quantity of wheat, rye, barley, oats, and beans then annually grown in the kingdom was somewhat less than two-thirds of that amount. The rental, consequently, of real property was proportionately lower: the squire or landed gentleman who now lives on his estate was then obliged to till his fields with his own hands, and in his tastes and habits differed but little from our modern farmer, with the exception that he was more unlettered; if he had visited the capital twice in his life, he was considered a travelled man; not one in a hundred of those who aspired to the rank of gentleman had ever been in any other country than their own. No such things as newspapers were known; the few news-letters which were sent by post were only to be found in the houses of the nobility and on the tables of the coffee-houses in London; the works even of standard authors were extremely scarce, and many families contented themselves with a copy of the Prayer Book and a Bible. As the scale of society descended, writing became an unknown art; but very few of the yeomanry could read, and it was thought a wonder if even a lady of rank and fortune could write a letter grammatically. There were, notwithstanding, some illustrious exceptions to this rule. Queen Elizabeth was well versed not only in the classics but in several of the modern languages, and Lady Jane Grey read Plato and Aristotle in their originals.

Beneath the upper and middle classes extended an impenetrable cloud of ignorance. The life of farmers and peasants was

extremely rude: they were subjected to the severest local regulations; whipping-posts were set up in most of the villages, and if a poor man was found out of his district without a pass from the magistrate he was taken and flogged, no matter on what business he had been detained, or by whom he had been sent. In the reign of Queen Elizabeth we have several instances of the Queen's own messengers being caught and flogged for vagabonds, having lost their passes; and at the sessions for Somersetshire, in 1596, there were no fewer than 200 villains brought up for felony, of whom forty were condemned in that county only. The law was extremely severe against all masterless persons, and the indigent poor were frequently driven by hunger and desperation to commit acts for which they would now be sentenced to several months' imprisonment, but for which they were then hanged; for it should be recollected there were more than 200 offences in the Statute Book punishable with death: horse-stealing, sheep-stealing, hen-roosting, and robbery from the person or house to the value of five shillings, were capital crimes.

It is quite a mistake to suppose that abject poverty is the result of advanced civilisation; in the latter part of the sixteenth century, notwithstanding the stringency of the laws and the sparsity of the population, the whole of England, at that period containing little above half as many again inhabitants as the present metropolitan area, the numbers of vagabonds and indigent poor were so great, that the justices of peace and other local authorities were driven to their wits' end how to deal with them. The Government of Elizabeth, more humane than that which had preceded it, was reluctantly compelled, by the statute 49 Elizabeth, to introduce a regular system of relief, which has developed into our modern Poor Law. Nor was this great amount of destitution to be accounted for solely by political and social changes peculiar to the sixteenth century; so late as 1696, when all these exceptional influences had ceased to disturb society, the number of paupers and beggars was estimated by King and Davenant at the incredible number of 1,350,000, out of a population of 5,500,000, or about one in five. In 1860, the mean number of persons who received relief appears, from the official returns, to have been only 844,633, out of a population of about 20,000,000, or 4·3 per cent. on the population. It ought also to be observed that, in the official returns, a pauper is very likely to be reckoned more than once, which would still further reduce the proportion. This vast reduction in the number of indigent poor is of itself sufficient evidence of the rapid advance which England must have made in the last century and a half.

The average duration of human life is also no bad criterion of the physical and moral condition of a people: in 1685, the length of life in London was twenty-three years; in 1850, forty years. Thus, the life of a man is now nearly double what it was in the seventeenth century. "The difference," says Macaulay, "in salubrity between the London of the nineteenth century and the London of the seventeenth century is very far greater than the difference between London in an ordinary season and London in the cholera." Owing to the improved physical comforts of the people, and the advance of medical science, many fearful diseases have entirely disappeared, while others have become almost innocuous—witness the plague and the small-pox.

CHAPTER XXIX.

CONDITION OF THE PEOPLE UNDER THE TUDORS AND
STUARTS—(*Continued*).

Improvement in the social condition—Rate of wages and provisions—Town and country life—Mines—Periods of scarcity—Statistics of population—Revenue—Direct and indirect taxation—Smallness of the national burdens—Civil service—Official corruption—American colonies—Their influence on the national industry—Exports and imports—Value of the American trade—Restrictive policy adverse to the interests of the colonies.

THE factory operatives are better off now than the farmers and merchants of the seventeenth century, at least, so far as regards the comforts and luxuries of life: wheat, on an average, was then sold at about the same price as at present, viz., from fifty to sixty shillings a quarter, but the mechanic's pay was between sixpence and a shilling a day when in full work, so that his condition was incomparably below those of our day, when average wages can scarcely be reckoned at less than three shillings and sixpence. Of the 880,000 families of which the population was at that time supposed to consist, King estimates that 440,000 ate animal food twice a week; the other 440,000 ate it not at all, or at most not oftener than once a week. The employment of children in factories also dates as far back as the sixteenth century; but the rooms they worked in could not be compared with the palaces of modern cotton-spinners. The great bulk of the people, however, were engaged in agriculture, and although the scale of pay was considerably less, as at present, than that of the mechanic, it was sufficient to provide them with the bare necessities of life; they also had the advantage of gathering fuel and feeding their pigs and geese upon the commons, which were numerous and large; this the inhabitants of the towns had not; nevertheless, the living of the towns was luxurious when compared with that of the country districts.

The royal monopoly of the tin and lead mines in Cornwall and Devon, prevented the markets being overstocked with these commodities, and the miners received proportionately high wages. There were, however, but few other branches of mining adventure which paid so well; the smelting of iron was practised to some extent, but the Government was adverse to the manufac-

ture, on account of the burning up of all the timber in the forests, which was required for the building of ships and for fuel: the inhabitants of London alone enjoying the luxury of a sea-coal fire; most of the provincial towns burnt wood and turf, and even in the coal districts wood was generally used. The working of salt pits was not as yet thought of; this wholesome luxury of life was obtained by evaporating sea water in long troughs or boxes: the salt thus obtained emitted an offensive effluvium, and was never free from a variety of extraneous substances, deleterious to the health of those who were in the habit of using salt provisions, and these constituted the greater part of the nation—few beasts being kept through the winter season, as provender was scarce; and the ordinary store beef was killed and laid by in tubs at Michaelmas, to last till the ensuing spring.

In periods of scarcity the distress of the people was often extremely great, and the Government was compelled to institute a particular inquiry into the amount of corn and bread stuffs remaining in the hands of the farmers in each shire, so that precautions might be taken to prevent its exportation to other parts of the kingdom; for when corn was scarce, wealthy towns, like London and Norwich, made purchases at such high rates that the poor natives had no possibility of competing with them; it was, therefore, not unfrequent for a proclamation to be published, prohibiting the citizens from laying in their stock of corn in England, and compelling them to purchase it abroad, and import it in their own vessels. Such a state of things appears now scarcely possible; such, nevertheless, was England two centuries ago!

In the period which followed the Conquest, England had but little more than doubled her population in six centuries, viz., from about 2,500,000 in 1066, to 5,200,000 in 1655; * in 1801, the population of England and Wales became 10,900,000, and in the present century it has increased at the wonderful rate of one and a half per cent., or doubled itself in a little more than half a century, being 20,066,224 in 1861, exclusive of the Islands in the British seas, which contained 143,447. With the increase of population, the taxes have also augmented, but not in proportion to the national wealth. In the reign of Charles II., the public revenue, including all sources, may be reckoned at about one million and a half, of which the excise produced, £585,000; the customs, £530,000; the tax on chimneys, £200,000; and the Crown lands, the first fruits and tenths, which had not yet been surrendered to the Church, the duchies of Cornwall and Lancaster, the forfeitures and the fines, the remaining £185,000; yet this

* See Preface to the Population Returns of 1831.

burden, light as it appears when compared with our present revenue of £60,000,000, was infinitely more galling to the people of those times: it was, first of all, more heavy in proportion to the national wealth; secondly, it was collected with greater roughness and severity—a circumstance which rendered direct taxation, in early times, especially odious. It is a fact deserving of attention, that the local taxes which in former times were raised by indirect imposts have, since the time of Charles II., been almost universally converted into direct taxes, while the public taxes, which were formerly direct, are now for the greater part indirect; and this is observable from the items which formed the principal part of the revenue in the reigns of Elizabeth and Charles II. respectively. Of the former period, the average income was at least £800,000, including subsidies, of which £14,000* was raised from customs, the remainder by direct taxes, either imposed by the Parliament, or accruing from the royal domains. In the latter period, the average annual income was £1,400,000, of which £1,115,000 was derived from excise and customs. The proportion, however, which the revenue bore to the wealth of the nation was, at this time, infinitely less than in most of the continental countries; the public revenue of the United Provinces was more than treble that of England, and the income of Louis XIV. quadruple. The great cause of this discrepancy in the expenditure of the several states of Europe was the maintenance of large standing armies; in Holland and France, establishments were kept up, in time of peace, such as Henry IV. and Philip II. had never employed in their wars; but the insular position of England rendered such a military force unrequisite, and the jealousy of the House of Commons kept the public expenditure within moderate bounds. It was only in the King's household and in the emoluments of the chief ministers of state that extravagance was to be found; the public departments were inadequately paid, and, only for the fees accruing to the various officers of justice, the civil administration could not have been carried on. "The regular salary, however," says Macaulay,† "was the smallest part of the gains of an official man of that age. From the nobleman who held the white staff and the great seal, down to the humblest tide-waiter and gauger, what would now be called gross corruption was practised without disguise and without reproach. Titles, places, commissions, pardons, were daily sold in market overt by the great dignitaries of the realm; and every clerk in every department imitated, to the best of his power, the evil example."

* In 1590, Elizabeth raised the customs from £14,000 to £50,000 per annum.

† Hist. Eng. i. p. 309.

In no department of the public service was this system of patronage productive of greater evils than in the navy. At the death of Charles II., the English fleet was in a state disgraceful to the nation; instead of able men accustomed to the sea being appointed to the command of ships, gentlemen captains, as they were called—men who had frequently never been out of sight of land, and who had no other recommendation than being the nominees of court ladies—were placed over the heads of men who had fought under the commanders of the Commonwealth. But this was not the sole inconvenience which the negligence and peculance of officers entailed upon the Government: most of the ships which had been recently built were so rotten that they could not venture to put to sea, and the captains continued to enjoy their pay on shore, while the sailors, left without their money, were glad to sell their tickets to any usurer who would purchase them, at an enormous discount. Under such a system, it was no wonder that England lost much of the influence which she had formerly acquired in European politics. In 1684, Bonrepaux wrote to his Government, that the state of the English shipping and dockyards was of itself a sufficient guarantee that she could not meddle in the disputes of Europe. But as soon as a free and vigorous Government was established under William III., England again recovered her naval superiority, and has ever since gone on in an uninterrupted course of improvement and reform.

One circumstance still remains to be noticed—the foundation, at the commencement of the seventeenth century, of our vast colonial empire. The genius of the Anglo-Saxon race appears especially adapted for this mode of development. When our ancestors took possession of England, in the fifth century, they let the towns and villages of the British population fall into decay, and built for themselves log huts on their new estates; in the same manner, their descendants prefer uncultivated deserts to densely populated lands; instead of emigrating to India or China, the English prefer to settle themselves in the new countries of America and Australia, where they can enjoy uncontrolled dominion. The authority which other nations so much covet, seems to be disagreeable to them; instead of rejoicing in being supreme amidst a set of slaves, the Englishman only finds himself comfortable when surrounded by his equals. This peculiarity has exercised a material influence on the destiny of the nation: while continental dominion has been most carefully shunned, the English have taken every opportunity to extend their possessions in the south and west. So early as the reign of Elizabeth, attempts were made to found colonies in

Virginia and Darien ; but owing to the imperfect state of navigation, and the difficulty of supplying the colonists with provisions, the experiment failed. The project was, however, never entirely abandoned ; and, in 1608, Sir Thomas Gates and Sir George Somers received from James I. a grant of the province of Virginia, where they succeeded in establishing a colony. It was not, however, till the reign of Charles I. that any great progress was made in this new branch of commerce ; then the persecution of the Puritan sects drove many honest and diligent men away from their native country to seek an asylum in the wilds of New England or Massachusetts Bay, where they might enjoy without molestation the exercise of their religion. Similar reasons caused many ardent republicans to emigrate thither at the time of the Restoration ; so that, towards the close of the seventeenth century, the whole eastern coast was dotted with villages and towns, which maintained with England an active and lucrative commerce. For herrings, cod, timber, hides, tallow, hemp, and flax, the colonists took our manufactured goods, and this increase in the foreign demand produced a corresponding improvement in the home manufactures.

Intimately connected with the welfare and social condition of the people is the progress of architecture, which, as it determines the character of the public and private buildings, may be taken as an index of the material advancement of a nation. Measured by this standard, as well as by that of commerce, the seventeenth century in England stands out pre-eminent as a period of great social progress, ranking in architecture only second to the Gothic era of the thirteenth and fourteenth centuries, when most of our cathedrals, abbeys, and castles were erected, and surpassing it for its improvements in domestic architecture. This at once is evident from the fact that the metropolis of the empire, which in a few days was consumed, was replaced by another more spacious, elegant, and enduring than the former, and that so great a work was accomplished within a comparative small space of time. The great fire of London, to which we here allude, commenced on the 2nd of September, 1666, at a baker's shop in Pudding Lane, near the spot where the Monument now stands : and as the houses were then built mostly of wood, with thatched or pitched roofs, and were separated only by lanes or narrow winding streets, the flames spread rapidly, being fanned by a strong east wind which then prevailed. In less than three days two-thirds of the City had been destroyed, including St. Paul's Cathedral, the Royal Exchange, eighty-eight churches, and many public buildings, together with 13,200 dwelling-houses, covering a surface of 436 acres. At

the time the fire was regarded as a national calamity, and rendered homeless above 200,000 persons, who were driven to encamp in the fields skirting the metropolis, but its ulterior effects were eminently beneficial in the improved sanitary condition and health of London. The legislature wisely seized this opportunity for passing several Acts prohibiting the rebuilding of timbered houses with overhanging storeys, and directed that in future all buildings in London should be of brick or stone, instead of wood, and that the party-walls separating each dwelling should be of sufficient strength and thickness; and that rain-water pipes should be substituted for the spouts that hitherto had served to spurt the water into the gutter below, splashing, and often nearly drowning, the foot-passengers who passed along the narrow and ill-paved streets. So effectually were these regulations carried out, that the people were provided with comparatively comfortable, healthy houses and commodious streets. The increased width of the streets admitted of the construction of regular sewers, whereas the streets, or rather lanes, of London had formerly been choked with ashes, dung, and other refuse, to so great a depth that James I.'s carriage was overturned by the heaps of rubbish in going from St. James's Palace to the City. How so high a degree of learning, politeness, and civilisation as marked the seventeenth century could have co-existed with so universal a contempt for health and cleanliness it is difficult to imagine. The effect of these improvements, however, was so great and immediate on the healthiness of London, that the plague, which had in the preceding year (1665) carried off more than 100,000 persons, or one-fifth of the whole population, never again returned. On this occasion it may emphatically be said that the emergency called forth the man. Sir Christopher Wren, though known to be a man of scientific attainments, was a novice in architecture. About five years previously he had been appointed coadjutor to Sir John Denman, the poet, successor of Inigo Jones, to aid him in the office of surveyor-general. It was thus his fortunate duty to have the surveying of the ruined capital, and to present a plan for laying out the new town, which he accomplished with wonderful alacrity. His original design, both for the restoration of St. Paul's Cathedral and the rebuilding of the City, was far grander and more regular in conception than that which was finally adopted, owing partly to the parsimony of the citizens and partly to the caprices and jealousies of the court. For the curtailment of the City improvements the civic authorities were principally answerable, but the alterations in the plan of the cathedral were made chiefly at the instigation of James, then

Duke of York, with the object of suiting it to the Popish ceremonial, when he should ascend the throne; for even at this period he appears to have set his heart on the overthrow of the national church. The first stone of St. Paul's, the crowning work and masterpiece of the great architect, was laid on the 21st of June, 1675, and in ten years time the walls of the choir and the side aisles were finished, together with the porticoes of the north and south transepts; the piers of the dome were also brought up to the same height. The highest and last stone, on the top of the lantern, was laid by the architect's son in 1710. Thus was the edifice completed in thirty-five years, under the superintendence of the same architect, the same mason, and during the lifetime of the same bishop. A like unfortunate perversion of plan, though to a much greater extent, befell the City monument, the original design for which, as it left the hands of Wren, was highly graceful and appropriate, but the civic authorities, who undertook the execution of it, entirely marred its beauty. In his restorations of Westminster Abbey, Wren was not equally happy, and the towers over the west front are instanced as proofs of his ignorance of Gothic architecture. Besides St. Paul's Cathedral, Wren designed most of the public buildings of that date, and superintended the construction of fifty-two churches in London alone, which still constitute the chief architectural ornaments of the now greatly changed and improved metropolis. After having filled the office of surveyor-general for near fifty years, during which he had raised the character of English architecture to so high a pitch that it is doubtful whether we have advanced or retrograded since that period, he was displaced, and retired to the country, at the age of eighty-six, where he lived five years, and dying was buried in the vault of St. Paul's, at once his grandest work and most appropriate monument. In the imitative arts little progress was made during the seventeenth century, the only sculptors of any note being Ciber, a naturalised German, who executed the bas-reliefs on the London Monument and the two figures of Raving and Melancholy Madness on the gateway of Old Bethlehem Hospital; and Grinling Gibbons, who is best known for his fine carvings in wood, but who likewise executed the marble statue of Charles II., which stood in the centre of the Royal Exchange, and that of James II., in bronze, at Whitehall. As for painting and music, both had given early promise of progress in the reign of Charles I., whose patronage of eminent foreign artists had in a slight degree roused the emulation of native talent, and had induced the eminent portrait painter, Sir Peter Lely, a native of Westphalia, and successor of Van-

dyke, to settle in London. But the Great Rebellion dispersed the splendid collection of paintings which Charles had brought together, and entirely stopped the cultivation of music. The Puritans, accounting all instrumental music as the invention of the devil to lead men's minds astray from the simplicity and earnestness of the Gospel, tolerated no other harmony than psalmody, and consequently removed the organs out of the churches, expelled the choristers from the cathedrals, and closed the theatres as profane. After the Restoration music and the fine arts again revived; and while Henry Purcell surpassed all his English predecessors in musical composition, Sir Peter Lely, with his disciple Greenhill and Sir Godfrey Kneller, cultivated with great success the captivating art of portrait painting, for which they found ample employment and encouragement in painting flattering likenesses of the court beauties. The higher branches of art, however, met with but slight encouragement, for Charles II.'s acquired French tastes led him to prefer the more gorgeous and extravagant productions of the French school, which was represented in England by Antonio Verio and his disciples, Robert Streater, John Freeman, and Andrew Fuller, whose pencils covered the ceilings and walls of the English palaces and public buildings with allegorical and mythological subjects, taken from the ancient classics.

Scarcely inferior in a national point of view to the general improvement in all the arts of civil life which marked the earlier part of the seventeenth century, was the astonishing progress of literature, which of itself, as the great statesman Fox has pointed out, was a cause sufficient to have produced effects of the utmost importance.* A country whose language was enriched by the works of Hooker, Raleigh, and Bacon, could not but experience a sensible change in its manners and in its style of thinking; and even to speak the same language in which Spenser and Shakspeare had written, seemed a sufficient plea to rescue the Commons of England from the appellation of brutes, with which Henry VIII. had addressed them. It was indeed a period of great mental activity, when English genius, nurtured by liberty, unfolded its choicest blossoms, and produced fruit of which Eden itself might be glad. This Augustine age of English literature, as it may be emphatically styled, was great in the illustrious names which it recalls,—Spenser, Shakspeare, Jonson, Bacon, and Raleigh,—and which raised England to a proud position on the rolls of fame, amongst the foremost nations of the earth, as no less eminent in literature and science than in arts and arms.

* "History of the Early Part of the Reign of James II.," by Hon. Charles J. Fox, p. 2.

With Raleigh closes the long list of eminent authors which the golden reign of Elizabeth had produced. The age which succeeded was a period full of fierce earnestness and rapidly succeeding incident, when the thunders which ushered in the storm of the Civil War had begun to mutter, and men of genius, therefore, instead of modulating their thoughts into tuneful numbers, were obliged to speak boldly and briefly, in unpremeditated prose, on the all-absorbing topics of government and religion—but such prose! Never since the days of Luther had the voice of one man called forth such an echo throughout Europe, as when Milton, almost unsupported and alone, stood forth, the eloquent champion of English liberty, against the whole literary world, and in his “Defence of the People of England,” and in his treatise on “Unlicensed Printing,” produced works which are still a power in the world. “If it be desired to know,” says Milton, “the immediate cause of all this free writing and free speaking, there cannot be assigned a truer than your own mild, free, and humane government; it is the liberty, Lords and Commons, which your own valorous and happy councils have purchased us, liberty which is the nurse of all great wits. Give me the liberty to know, to utter and argue freely, according to conscience, above all liberty.”

The Commonwealth period was, indeed, an age of great thoughts as well as deeds; and while the more timorous birds of song hid themselves affrighted from the storm which raged around, a thunder-shower of pamphlets, gazettes, and journals, filled with theological and political controversies, inundated the horizon, and warned the people of the encroachments of Popery and arbitrary power. For the first time in history the press became a great engine of political warfare, and each faction strove for the ear of the public, with a vehemence that the censorship could not restrain. During the abeyance of the constitutional means for expression of the national will by the Houses of Lords and Commons, the press assumed a political importance, as the exponent of public opinion, which no government, however powerful, has since been able entirely to disregard. “Not that the press,” observes Earl Russell,* “possesses any regular independent power, like the Crown or the House of Commons, as some persons have falsely imagined, designating it the fourth estate of the realm; but by the facility it affords of comparing the opinions of large classes of society, and communicating in good and able language the feelings and the reasonings which come home to the business

* “Essays on the English Government and Constitution, A.D. 1865,” p. 340.

and the bosoms of large portions of the community, it exerts an influence, both on the governors and governed, which is to the mutual advantage and security of both. In vain would it be for the editors of newspapers, powerful as the daily press now is, to endeavour to make the people permanently discontented with laws which they loved and a minister whom they revered. They would not be dreaded or even read. Equally vain would it be for a vicious, oppressive, and odious Government to suppress the liberty of printing. It was not the press which overturned Charles I., nor could the Inquisition preserve to Ferdinand VII. his despotic power."



Costume of William III. and Queen Anne.

THE CONSTITUTIONAL HISTORY OF ENGLAND.

CHAPTER XXX.

WILLIAM III. AND MARY II. A.D. 1689—1694.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XIV., 1643-1715. *Germany*—LEOPOLD I., 1658-1705.
Spain—CHARLES II., 1665-1700. *Popes*—ALEXANDER VIII., 1689, and
INNOCENT XII., 1691-1700.

1689—Accession of William and Mary (February 13th)—Effects of the Revolution on the Constitution—Important measures of William's reign—Ascendency of the House of Commons—William's title—Aspect of parties—The Convention declared a legal Parliament—The Claim of Right passed in Scotland—Resistance in Scotland and Ireland—Battle of Killiecrankie—Scotland submits and episcopacy is abolished—Suspension of the Habeas Corpus—Inopportune frugality of the Commons—James lands in Ireland and convokes a Parliament at Dublin—Exertions of William to repress the exorbitant power of Louis XIV.—Declaration of war with France—Hearth tax abolished—England joins the league of Augsburg—Mutiny and Toleration Acts.

1690—Siege of Londonderry—Battle of the Boyne—Reduction of Ireland—The English and Dutch fleets defeated off Beechy Head—Confirmation of the constitutional title of William and Mary—Act of Indemnity passed—Moderation of the Revolution Government—Machinations of the Jacobites—Treachery of many of the Whig peers—Deprivation of the non-juring bishops.

1691—Campaigns in France and Ireland.

1692—Massacre of Glencoe—Defeat of the French fleet off La Hogue—Namur surrendered to the French after the battle of Steinkirk.

1693—The allies defeated at Neer-Winden and Landen—Loss of the Smyrna fleet.

1694—Revival of the Stuart interest—Attempts of William to strengthen his position—Act for Triennial Parliaments—Death of Queen Mary (December 28).

1689.]—The causes which raised William III.,* to the throne render his reign, and that of his illustrious partner, one of the

* William III. was the posthumous son of William II., Prince of Orange, by Mary, daughter of Charles I., King of England. He was born on the 14th of November, 1640, but was excluded from succeeding his father in

most celebrated and important in the annals of England. The Revolution, which secured internal peace and liberty to these islands, must be endeared to every Briton as the successful struggle between privilege and prerogative, absolutism and liberty, in which a nation's welfare was justly proved to be superior to individual ambition and bigotry. The encroachments of prerogative upon popular freedom commenced with the the Stadtholdership by the "Perpetual Edict;" which, however, was revoked in his favour in 1672. In 1677 he paid a visit to England and married his cousin Mary, daughter of James II. and Anne Hyde, but left no children. It is not requisite here to trace the genealogy of the illustrious house of Nassau, to which William III. belonged, from the mythical period of the 7th century, through all its various branches, each of which was glorious for the number of warriors and statesmen it produced; but a succinct account of the family from the death of William, the representative of the line of Otho, who died in October, 1559, having seen 160 of his lineal descendants, may not be without its interest. His son William, surnamed the Taciturn, succeeded to his estates in the Netherlands, and became Count of Nassau and Prince of Orange by heirship to his cousin Renatus. It was this prince who was the great assertor of the Belgic liberties against the Spanish oppression, and as the founder of the Dutch republic, was declared Stadtholder. In 1581, he purchased Flushing, and three years after, viz., on the 10th July, 1584, was assassinated by Gerhard, a Burgundian, leaving issue Philip, Maurice, and Henry-Frederic, besides several daughters. Philip, who was born on the 19th of December, 1554, was retained prisoner by the Spaniards from 1567 to 1598; he succeeded to the title of Prince of Orange, but was excluded from the Stadtholdership by reason of his absence, and died on the 20th February, 1619, s.p. His brother Maurice was born November 14th, 1567, and succeeded to the Stadtholdership on the death of his father in 1584. He immortalized himself by his exploits, and died 23rd April, 1625, unmarried, leaving his brother Henry-Frederic to succeed him in the Stadtholdership, and as Prince of Orange. This latter prince assumed the title of highness, and died 14th May, 1647, leaving by his wife Amelia, daughter of the Count of Solms, one son, William, who succeeded him, and four daughters, viz., Henrietta, Mary, Louisa, and Albertina-Agnes. William, who was born on the 27th May, 1626, succeeded his father in 1647, as William II. of Orange, and Stadtholder of the United Provinces. Having enjoyed his offices and honours only three years, he died of small-pox on the 6th of November, 1650, leaving his wife, daughter of Charles I., king of England, *enceinte* with his only child, afterwards the celebrated William III. of England, who was born eight days after his father's death. Louisa, the sister of William II., mentioned above, married Frederic-William, elector of Brandenburg, by whom she had Frederic I., the first king of Prussia, who on the death of his cousin, William III. of England and Prince of Orange, pretended to his continental succession by virtue of their grandfather's will; the other sister, Albertina-Agnes, born 9th of April, 1634, married William-Frederic of Nassau-Dietz, grandson of John, the brother of William the Taciturn, to the posterity of which husband of Albertina, William III. of England left his estates by will in 1702. The difference caused by the disputation concerning this will lasted thirty years, and was terminated by a division in 1792. Prussia had the estates of Westphalia; and Nassau-Dietz now by virtue of king William's will called Orange, possessed those of Holland.

brilliant sway of the Tudors; but it was under the Stuarts that they assumed the aspect of an open contest between the crown and the people, which only ended with their exclusion from the throne.

By this great and patriotic convulsion the crown was deprived of those powers which might, by the despotism of tyranny or the capriciousness of imbecility, be destructive to the happiness and security of a nation,—“A King of England,” in the eloquent words of Bolingbroke, “is now strictly and properly what a king should be, the head and supreme member of a political body, but only a member, not distinct from it, or independent of it. He can no longer move in a different orbit from his people; and like some superior planet, attract, repel, and direct their motions by his own. He and they are parts of the same system, intimately joined and co-operating together; acting, and acted upon, limiting and limited, controlling and controlled in reciprocal order; and when he ceases to stand in this relation to them, he ceases to stand in any. The settlements, by virtue of which he governs, are plainly original contracts; his institution is plainly conditional, and he may forfeit his right to allegiance as undeniably and effectually as the subject his right to protection.” Yet let it not be for a moment imagined that the sovereign has lost aught of that majesty and dignity which lends brilliancy to a throne. The French statesman, Gourville, truly expressed the constitutional view when he said,—“A King of England is the greatest king in the world, so long as he is the man of his people; but if he will be something more, he is nothing.”

Constitutionally considered, William III. ranks in the first class of English monarchs. By the Revolution, and the Bill of Rights, no doubt, the liberty of the country received a most important improvement; but the Constitution was settling, and not settled, and questions of great consequence to its interests were agitated during the whole reign of William. We have the Civil List, the Place Bill, the Triennial Act, the Treasure Bill, the question of the liberty of the press, the question of standing armies, the responsibility of ministers, and, finally, we have the veto of the King more than once exercised, and even a sort of debate in the Commons upon this assertion of the prerogative. Further, we have the Mutiny Bill, and the Appropriation of Supplies—two innovations, which for ever secured the ascendancy of the House of Commons, and gave to Parliament an almost unlimited power; for without the former, which has to be renewed annually, the maintenance of the naval and military forces becomes impossible; and by the latter, the misapplication of the revenue is precluded. In a genealogical point of view

William III. is no less conspicuous ; for he forms within himself, as it were, a British Dynasty beginning and ending with his reign ; yet not incompatible with the hereditary principle. Though in himself we behold a prince of the house of Nassau sitting upon the English throne, to which he was called by the people, yet his authority was by their will conjoint with that of his wife, Mary Stuart, the daughter of the excluded James II., and he himself was maternally descended from the line of Stuart, by the marriage of Mary, daughter of Charles I., with his father ; for these reasons, as much as for his personal merits and the liberality of his principles, he was chosen by the English, who still beheld in him the representative of their ancient line of kings. He ought not therefore to be considered as an elected monarch, or even as a departure from the ordinary principles on which the Crown of England has been held by the ablest jurists to descend from the Saxon times, it being clearly provable from numberless instances that the Crown of England is, and has been, lineal agnatic—that is, neither absolutely hereditary, according to the theory of the divine right of kings, nor elective, but simply hereditary in the reigning family. In such a constitution the nearest heir of course has the primary right, provided he is not incapacitated through any natural, legal, or personal disqualification which might be held as justly depriving him of his inheritance. It is in this light that we are to understand the conduct of the moderate Tories, or rather the Conservatives, of those days in lending their countenance to the otherwise revolutionary proceedings of the Whigs ; and in this they differed from the Jacobites, who maintained that the kingly power was a divine emanation and an inherent birthright, as real and inalienable as that by which the peer inherited his title or the freeholder his lands.

Although called to the throne by the almost unanimous voice of the nation William no sooner assumed the reins of government than he found himself the King of rival factions rather than of a united people. The Tories, who had departed from their principles to secure the Protestant succession, were offended at being excluded from court favour, and the supporters of the Church of England were fearful lest the Protestant Dissenters should receive too much favour at the King's hands, who, himself being a Calvinist, was naturally supposed to sympathise more nearly with them, both in his religion and policy, than with the prelates. Hence all the bishops except eight, and many of the temporal peers, amongst whom were the Duke of Newcastle and the Earl of Clarendon, refused, under a pretence of conscience, to take the oaths to the new Government. The

House of Commons, though far from being unanimous in favour of the change of Government, were less scrupulous in their sentiments, and sheltering themselves under the statute of Henry VII., which provides that no person for adhering to a king *de facto* can be called to account, swore allegiance to William and Mary. They were, however, very sensitive on the subject of religion; and when the King proposed that all Protestants indiscriminately should be admitted into the public service, they indignantly rejected the proposition, and rendered the test still more stringent, by requiring that every servant of the Crown, before accepting office, should take the sacrament, according to the rites of the Church of England.

To show his willingness to conform, William received the sacrament on Easter Sunday from the hands of the Bishop of London, and assured the Parliament that he was ready to comply with their wishes in all things reasonable. The 11th of April was therefore the day appointed for his coronation; but it being suspected that the Archbishop of Canterbury would refuse to officiate at the ceremony, an Act was passed substituting a new oath to be taken on the 1st of March, instead of the old ones of allegiance and supremacy, and authorising the ceremony of coronation to be performed either by an archbishop or bishop. The Bishop of London was accordingly chosen, and on the appointed day William and Mary were crowned King and Queen of Great Britain and Ireland, in Westminster Abbey; the former, however, alone enjoyed the royal prerogative; for Mary, whose name was associated with that of her husband in the Government, was a woman of an easy and compliant disposition, and by no means inclined to dispute the exercise of power with William, whose political maxims and very thoughts she had learned to adopt as her own; so that it is to him alone that we must look for the originating of all political measures; the only effect of the association of Mary in the Government being to allay the scruples of those who still adhered to their ancient notions of hereditary right.

In this unsettled state of the public mind, it was thought hazardous to risk the experiment of a general election, and the King resolved, with the advice of his ministers, to constitute the Convention a legal parliament, and issued his letters for this purpose. Upon which a question was raised in the Commons, whether it could be a legal parliament, not having been called by the King's writ; to which answer was made that the essence of a parliament consisted in the co-operation of the King, Lords, and Commons, and not in the manner of its being convoked. Whereupon an Act was passed declaring the Houses then

assembled to be legally, and to all intents and purposes, a free Parliament. A like course was adopted with regard to the Convention of the Scotch Estates, assembled at Edinburgh under the presidency of the Duke of Hamilton, which, after declaring in favour of William and Mary, who were proclaimed on the 11th of April, proceeded to pass, by a large majority, the "Claim of Right," a statute by which Papists were for ever excluded from inheriting the throne; the dispensing power was declared illegal; the infliction of capital punishment, except for offences defined by the law, prohibited; various modes of tyranny and oppression resorted to in the last two reigns were declared a violation of the people's liberties, and prelacy an unsupportable grievance. The acrimony of political and religious animosities, however, in Scotland, was much more intense than in England; and so soon as the Tory lairds found themselves in a hopeless minority, they sulkily withdrew from the Parliament and retired to their own estates, where some went so far as openly to declare for the restoration of James II.

The Duke of Gordon, who was governor of Edinburgh Castle, refused to surrender his charge, and Viscount Dundee, better known as Graham of Claverhouse, the ruthless persecutor of the Cameronians, raised his standard in the Highlands, where at first he met with considerable success, and having drawn General Mackay, with a superior force, into an ambuscade, defeated him at the Pass of Killiecrankie (July 27, 1689). Dundee himself was slain in the engagement, and there being no other chieftain to take his place, the clans gradually laid down their arms and submitted to the existing Government—an event which was soon followed by the abolition of episcopacy and the restoration of presbytery, and thus terminated the differences so long existing between the Crown and the people of Scotland on the subject of religion.

In answer to a message from the King, the Commons of England, who were now sitting as a regular Parliament, replied that they were ready to sacrifice their lives and fortunes in support of his alliances, in reducing Ireland, and in defending their religion and laws. They even consented to suspend by a temporary bill the Habeas Corpus Act till the 17th of April, so as to enable the Government to provide for its own safety—a concession which James had never ventured to demand, even when a double rebellion shook his kingdoms. But in the matter of supplies the Commons were not so liberal, for instead of renewing to William the revenue which had been granted to James for life, the Commons only voted the supply for the army and navy for six months, and were with difficulty prevailed upon to repay the £600,000 which had been advanced by the United

States of Holland, for the equipment of the expedition which accompanied William to England. This inopportune frugality necessarily crippled the energies of Government, and enabled the partisans of James to gain ground both in Scotland and Ireland. In the former country, as we have seen, the rebellion was quickly suppressed, but in the latter it assumed a protracted and sanguinary character, partly owing to the great bulk of the population being Romanists, and therefore attached to the Jacobite interest, and partly to the command of the army being in the hands of the Earl of Tyrconnel, a cruel and unscrupulous man, who had been made Lord-Deputy by James, some time previous to the Revolution, and who now temporised with William in order to give time for James to bring over reinforcements from France.

On the 12th of March, James arrived at Kinsale with a fleet of 20 ships furnished by Louis, carrying several thousand British subjects and many French officers. The ex-king was everywhere received with shouts of acclamation, both by the people and army, except in the province of Ulster, where the Protestants had declared in favour of the Revolution settlement. In May, James summoned a Parliament at Dublin, which repealed the Act of Settlement, confiscated the estates of absentees and Protestants, attainted the abettors of the Prince of Orange, and passed an Act for Liberty of Conscience—which, however, was strained to mean the supremacy of Papists.

The intervention of Louis in behalf of James naturally incurred the resentment of the English Government, which declared war with France on the 7th of May, when the Commons voted an additional subsidy of £2,000,000, to be raised by a land-tax of three shillings in the pound, besides additional customs; but remitted for ever the hearth-tax of two shillings per annum, which pressed heavily on the poorer householders. Although the armament furnished by Louis for the reduction of Ireland was the ostensible cause of the declaration of war with France, the officious meddling of Louis in the internal affairs of the kingdom ever since the Peace of Nimeguen, in 1678, alternately corrupting the sovereign and the popular leaders with his money, and the injury done to Protestantism by the Revocation of the Edict of Nantes, were the substantial grounds which induced the Parliament so readily to embrace the suggestions of William, and add the weight of England to the already powerful League of Augsburg, of which William, in his capacity of Stadtholder, was already a leading member.

The war was commenced by a naval action, in which Château Renaud engaged the English admiral Herbert, afterwards Earl

of Torrington. William lost no time in making preparations to carry the war into the French king's dominions; but it was soon found that, under the then existing state of the law, it was almost impossible for the King to render effectual aid to his Continental allies; one of the first regiments of Scots ordered to embark at Ipswich for Holland, instead of obeying orders, packed up their baggage and marched off for Scotland—a proceeding which the officers had no power to restrain. To remedy this abuse, the Mutiny Bill was passed through Parliament, and for the first time in the history of England, provided for the maintenance of a standing army. It is true that this Act expressly states in the preamble that it is unlawful to keep a standing army without the consent of Parliament, but goes on to declare that a body of troops should be continued for the safety of the kingdom, the defence of the King's dominions, and the preservation of the balance of power in Europe. The particular clauses of this Act, which has to be renewed yearly, have undergone considerable alterations from time to time; but its purpose is to regulate military discipline, the constitution and powers of courts-martial, to apportion punishments to military offences, provide for the recruiting and billeting of soldiers, the conveyance of troops, and the issue of pay and conduct money. Another important Act passed by this Parliament, though of an entirely different character, was the Toleration Act, “exempting their Majesties’ Protestant subjects, dissenting from the Church of England, from the operation of the penal statutes.” By this important Act it was provided that dissenters taking the oaths of allegiance and subscribing the declaration against Popery, shall not be troubled for frequenting their conventicles, nor for absenting themselves from their parish church; that Quakers be suffered to make a declaration in lieu of oath, but that the ministers of such congregations shall, in addition, subscribe the 39 Articles of Religion, as enacted by the 13 Eliz. c. 12, except only the 34th, 35th, 36th, and part of the 20th and 26th articles, as being applicable only to the Church of England; that no conventicles be held with locked doors; that all such places shall be registered and protected from insults by a penalty. But that this Act shall not be construed as exempting such persons from payment of tithes, nor from the discharge of the offices of constable, churchwarden, or overseer, and that no part of this toleration be extended to Papists, or such as deny the Trinity.

1690.]—The cause of William's long delay in sending reinforcements to Ireland has been variously explained, some supposing that it was done intentionally by William, in order that he

might have a pretext for maintaining an army, on which his retention of England depended ; others that he wisely left matters in that country to take their course until the affairs of England should be settled, knowing that the sister kingdom must eventually follow the fortunes of her more powerful ally ; but the more probable reason was the want of supplies. Indeed, so disgusted was William at this time with the ungenerous treatment of those who professed to be his friends, that he is said to have seriously meditated a return to Holland, leaving the Queen to reign in England. The conduct, however, of the Irish Parliament, which had confiscated the whole of the Protestant property, and attainted between two and three thousand persons by name, of all orders and conditions, from the peer to the yeoman,* giving them no opportunity of defence, but, as Neagle the Speaker said to James on presenting the bill, “many were attainted on such evidence as satisfied the House, and the rest on common fame,” convinced all who valued their lives or fortunes, of whatever political party, that their only safety lay in supporting the existing Government. The representatives of the people, consequently, in England, although inclining to Tory principles, were heartily devoted to the Revolution settlement ; and when the new Parliament met, William at length found himself in a position to undertake the reduction of Ireland. In that unhappy country, ever since the spring of the preceding year (1689), an unequal struggle had been going on between the papistical James and his foreign allies on the one side, and the Protestants of the north and east on the other, who scarcely numbered a tithe of their opponents. These noble-hearted men, however, stood firm to the cause of civil and religious liberty, and displayed, by the sacrifices they were ready to make, their adherence to the Revolution settlement. “The whole world,” says an eloquent writer, “could not have furnished an equal body of men better qualified to meet a terrible emergency, with clear judgment, dauntless valour, and stubborn patience, than the 7,000 who defended the forlorn hope of Londonderry from the middle of April to the end of July. They were all zealous Protestants, and the protestantism of the majority was tinged with puritanism.” The investment of the town, which was only surrounded with crumbling walls, was made on the 20th of April, by James in person, and during fifteen long weeks in the heat of summer, the inhabitants nobly sustained every variety of misery which

* Amongst these were two archbishops, one duke, seventeen earls, seven countesses, as many bishops, eighteen barons, thirty-three baronets, fifty-one knights, and eighty-three clergymen ; all of whom were declared punishable by death and forfeiture.

famine, pestilence, and the sword could inflict; but notwithstanding the ardour of the besiegers, who had undertaken the reduction of Ulster, only as a preliminary to the subjugation of England, the besieged repelled every assault, and maintained their ground until at length the notorious General Kirk, once the ruthless executioner of a tyrant's will, but now the avenger of liberty in the service of William, appeared before the town (July 30), and threw supplies and reinforcements into the beleagured city. The savage Rosen, who commanded since James's departure for Dublin, was shortly after compelled to raise the siege, having lost above 8,000 men. This first instalment of relief was soon followed by the arrival of the Duke of Schomberg, who landed in August, near Carrickfergus, with an army of 16,000 men, and shortly received the submission of Belfast, Newry, Dundalk, and several other places of less importance: but being confronted by the army of James, was prevented from making further progress until the arrival of William in person in the following June. The grand struggle was not now long delayed, for both sovereigns determined on an immediate trial of strength; and William, marching with his well-appointed army of 36,000 men from Carrickfergus, where he had landed on the 14th June, was met near Dundalk, on the 30th June, by James, advancing from Dublin with his forces, amounting to about the same number, and comprising a considerable contingent of well-trained French troops, and a fine body of Irish cavalry, which, together, constituted the mainstay of his army. On receiving intelligence of William's arrival, James retired to the right bank of the Boyne, and there awaited the onset of William, who the following day (July 1) passed his forces over in three divisions, notwithstanding a well-directed fire of the enemy, which did considerable execution, and wounded William himself with a spent cannon-ball. After a short, but sharp engagement, in which the gallant Schomberg was mortally wounded, and Walker, the intrepid defender of Londonderry, together with about 500 others of William's army, slain, the famous battle of the Boyne was gained. This defeat extinguished for ever the hopes of James, whose only thought was now how to reach France in safety; and this he effected by means of a small fishing-boat, which conveyed him to Brest. The war was now virtually ended in Ireland; for, although many of the garrisoned towns still held out, it was only a matter of time to accomplish their reduction, and William again returned to England, where he found affairs looking brighter than on his departure. The French, it is true, had gained a victory at sea off Beachy Head, over the combined English and Dutch fleets, on the very same

day as the battle of the Boyne was fought, and had attempted a descent on the English coast ; but the people were contented with what had been done in Ireland. On the opening of the new Parliament, the two Houses addressed his Majesty, congratulating him upon his safe return and his successes in Ireland, and voted a large supply for the payment of the army and for carrying on the war with France. An Act was also passed recognising their Majesties as the rightful and lawful sovereigns of these realms, and declaring all the Acts of the Convention Parliament to be good and valid. This Act was an important acknowledgment of the constitutional principle of parliamentary interference in regulating the succession, and the more so, as it was supported not only by the Whigs, but by the Tories, who objected only to the words *rightful and lawful*, suggesting that some more guarded expression should be employed, considering that the nation had previously sworn allegiance to James as their rightful sovereign ; but this objection was over-ruled, and the bill passed in its original form. The Whigs would have gone still further, by insisting on the abjuration of the late King and his title by all persons holding any civil or municipal office ; but William wisely objected to any measure which might bear the appearance of retaliation, and with great tact and ability at length succeeded in getting the Act of Indemnity passed, with the exception only of the Marquis of Powis, the Earl of Sunderland, and thirty-three others, who, however, were never afterwards molested. This moderation of the Government reflects more glory, perhaps, than any other circumstance, on the cause of the Revolution ; for it is the peculiar privilege, as it is the glory of constitutional governments, that they can afford to be generous. It is to be lamented that this generosity of conduct did not meet with a corresponding feeling of gratitude ; for most of the Tory lords, and many of the Whigs, taking advantage of the mildness of the Government, continued to league with the Jacobite party. and numerous conspiracies were formed both against the Government and the person of the King ; even Halifax, Godolphin, and Marlborough, although intrusted with responsible positions in the Government, were not ashamed to maintain an illicit correspondence with the court of St. Germain, and while they enjoyed the confidence of the King, were base enough to betray his interest to his enemies ;* but to so low an ebb had civil discord actually reduced the tone of political morality, that few perceived

* The Earl of Marlborough was deprived of all his offices, having lost the confidence of the King by revealing some of his Majesty's private determinations, which got to the ears of his enemies ; his countess was also forbidden the court, and the Princess of Denmark was desired to dismiss

the heinousness of the crime, and most persuaded themselves that, because James had been their King, it was no treason to correspond with him, so that they kept themselves without the clutches of the law. It was, therefore, high time that William should put a stop to these questionable proceedings, and finding that the non-juring prelates persisted in refusing to perform their functions, he declared their sees vacant, and appointed new men to fill them. Tillotson was preferred to Canterbury in the room of Sancroft, and Cumberland, Fowler, Patrick, and Moore were promoted to the sees of Peterborough, Gloucester, Chichester, and Norwich respectively; a selection which did equal credit to the discernment of the King and his advisers.

1691.]—Having restored order and tranquillity in England, William again turned his attention to the accomplishment of his grand object, the reduction of the exorbitant power of Louis XIV., and for this purpose he obtained a new grant of £4,000,000 from the Commons, who requested him to prosecute the war with vigour. The declared object of the allies was to wrest from Louis all he had taken from each since the peace of Munster (1648), to restore to the Protestants of France all their possessions and goods, with entire liberty of conscience, and to establish the estates of France in the exercise of their ancient and lawful privileges. William immediately set out for Holland, where a congress of the allies was sitting at the Hague, and having arranged with them the plan of the campaign, took the command of the forces in person. The war was carried on simultaneously in Flanders, Germany, and Piedmont, but no battle of any moment took place, and in the middle of October, after the taking of Mons by Louis, William again returned to England, to receive the joyful intelligence of the complete pacification of Ireland, which had at length been reduced by Ginckel after a resistance of near three years' duration.

1692.]—It was at this time (January, 1692), that an unfortunate event took place in Scotland, which somewhat tarnished the otherwise upright character of William. The better to secure the allegiance of the Highland clans, a largess of about £13,000 had been distributed amongst them, and a proclamation was issued requiring them to take the oaths before the 1st of January, 1692, under pain of "letters of fire and sword"—a barbarous mode of enforcing obedience, but sanctioned by the

her from her household, which she refused; this caused a quarrel between her and the Queen, upon which the Princess retired to Sion House, and the discontented party endeavoured to persuade her highness to lead them; but to this proposition she wisely gave not the least encouragement.

old laws of Scotland. All the chiefs made their submission, except M'Ian, head of the clan of the M'Donalds of Glencoe, who, having been prevented by distance from taking the oath of allegiance to the new Government within the prescribed time, was reported by the Earl of Breadalbane, his deadly enemy, to William, as an obstinate and avowed traitor, and a warrant signed by the King was procured for the extirpation of him and his clan. Dalrymple, the Master of Stair, then Political Secretary for Scotland, immediately wrote to the officers who commanded in the Highlands to execute their orders with the utmost rigour. "They must be all slaughtered," wrote the savage secretary, "and the manner of their execution must be sure, secret, and effectual." Campbell of Glenlyon, a captain in the Earl of Argyle's regiment, and two subalterns, were accordingly ordered, with 120 men, to repair to Glencoe on the 1st of February. Campbell, being uncle to young M'Donald's wife, was received by the father with friendship and hospitality, and the men were treated with free quarters amongst the inhabitants, with whom they lived in perfect good-humour and familiarity until the 13th of February, when orders arrived for them to fall upon and massacre all the men of the tribe. With the savage ferocity characteristic of the Scots at that time, Campbell prepared to obey the order. Having passed that evening at cards at his nephew's, he arranged to dine the next day at Glencoe with his officers, and then retired to give orders for the massacre. In the night Lieutenant Lindsay called at the house of M'Ian and desired to be admitted as a friend, and while the old man was rising from his bed to receive his guest, as he supposed, he received two bullets in his back. His wife had already put on her clothes; but she was stripped naked by the soldiers, who tore the rings off her fingers with their teeth. The slaughter now became general; neither age nor infirmity was spared. Of the men of the glen, 200 in number, 38 were massacred; the remainder, hearing the firing, fled to the hills; for a storm providentially coming on had prevented the march of the troops under Lieutenant-colonel Hamilton, who were to have occupied the passes which led from the valley. The same day the houses were all burnt down, the cattle driven off, and the women and children left to perish in the snow. There can be no doubt but that the King was deceived in giving permission for this barbarous deed;* but nevertheless William cannot be held entirely guiltless—he ought surely

* The fact of M'Ian's having tendered his submission, and of the sheriff of Argyle having written to the Council in his favour, appear to have been kept back from the King, who was thus led by his enemies to regard M'Ian as a desperate and incorrigible leader of banditti.

to have inquired more accurately before he signed such an order ; and his neglect to punish the authors and perpetrators of it for the space of three years, must ever remain a blemish on his otherwise merciful character, for he was by no means disposed to over severity, even in the most aggravated cases of treason.*

The same year saw mighty preparations, both on the side of Louis and of the allies, for the renewal of hostilities; and the exiled King, who appeared to gain courage with his misfortunes, succeeded in assembling an army of 20,000 English, Scotch, and Irish refugees, who, together with some troops supplied by Louis, were to attempt a landing in England, where they expected to meet with considerable reinforcements; for many of the Whig lords, as well as the professed Jacobites, becoming discontented with the new Government, had promised their aid to James, who issued a declaration offering pardon and indemnity to all who should return to their allegiance, and promising to protect the Church. So formidable an opposition had scarcely been expected by William, but he met it with promptitude and resolution. Marlborough, and many others who had undertaken to make a diversion in favour of James, were apprehended and committed to prison. Leaving the Queen to conduct the defence of England, William embarked to take the command of the forces in Holland. The greatest danger, however, was to be apprehended from the known sympathy of the English seamen for James, who had served as an admiral amongst them; but their duty to their country surmounted every other consideration of personal liking, and the whole fleet declared its readiness to put to sea to intercept the French fleet before it should take on board the troops for the invasion of England. The French admiral, Tourville, with 63 ships of the line, not thinking that the Dutch would have had time to join, came out to meet Lord Russell, who commanded the combined squadron, which numbered 99 sail of the line. The engagement commenced off Cape Barfleur, and lasted, with some intermission, for several days, till at length the greater part of the French fleet was destroyed, and the remainder compelled to seek shelter in St. Malo. The campaign on the Continent was not equally successful. The French took Namur, and compelled the allies to retreat after the battle of Steinkirk.

In the following year (1693), they also took the fortresses of Huy and Charleroi, and defeated the allies in the battles of

* It was not till 1695 that a Royal Commission was appointed to investigate the circumstances of this melancholy affair; and then, it being discovered that Dalrymple was the instigator of the massacre, he was deprived of his offices, and retired into private life.

Neer-Winden and Landen ; but the most unfortunate of all was the surprise of the Smyrna fleet, returning from the Levant with a cargo estimated at a million. This was a severe loss to the English merchants, and the general feeling of discontent was manifested by a conspiracy for taking away William's life. Everything seemed to prognosticate a return to the Stuart line, and the Princess Anne wrote to her father requesting his forgiveness. Even Halifax and Russell, the great supporters of the Revolution, affirmed that James could not be kept six months out of the kingdom, if security could be given for religion. This necessarily made William anxious to strengthen his position by attaching more nearly to himself the great Revolution families ; and with this view several promotions were made in the peerage. The Earls of Shrewsbury, Bedford, and Devonshire were created Dukes of the same name, the Marquis of Carmarthen Duke of Leeds, the Earl of Clare Duke of Newcastle, the Earl of Mulgrave Marquis of Normanby, and Lord Sidney Earl of Romney. The most curious fact, however, and that which shows the wisdom of William's political foresight, was the use he made of his knowledge of Shrewsbury's communications with the Jacobite agents to oblige him to accept the post of Secretary of State ; for by so doing he prevented his continuing his treasonable correspondence, which under these circumstances must inevitably have exposed him to parliamentary impeachment.

1694.]—Notwithstanding the precautions taken by William, his plans were communicated to the enemy, owing to the treachery, as is supposed, of Marlborough ; so that long before Lord Berkeley appeared before the town of Brest, the strength, destination, and time of departure of his fleet were known in Paris. and the town of Brest put in a posture of defence. After an ineffectual attack upon the works, which cost the English 700 soldiers, the English fleet retired. Lord Berkeley, however, succeeded in surprising Dieppe and Havre-de-Grâce, and, the following year, did considerable damage to Calais and Dunkirk, so that the allies were fully compensated for the losses they had sustained by land. These extensive operations caused William to be continually in want of supplies, and the Commons were thus enabled to carry out those principles of fiscal reform which had been first introduced under the easy sway of Charles II., but now became fully developed by the House requiring estimates from the Government of the probable expenditure of the several departments for the public service, and thus became irrevocably established the grand principle of appropriation of supplies. Another result of the urgent want

of supplies by William for carrying on his wars was the establishment of the Bank of England, which was effected by an Act of Parliament, passed 5 and 6 William and Mary, cap. 20. By this statute, certain rates and duties on tonnage of ships, an excise upon beer, ale, and other liquors, and other taxes were imposed, producing by estimation £1,500,000 a year; but, as the money was immediately wanted, the Parliament authorised their Majesties to take subscriptions for £1,200,000, the subscribers of which were to form a company, under the name of the Governor and Company of the Bank of England, and were to receive interest upon the money advanced at the rate of £8 per cent., besides £4,000 a year for the management. The principal object aimed at by Paterson and the other projectors appears to have been the support of public credit, and the relief of the Government from the ruinous terms upon which the raising of supplies and other financial operations were then conducted. Another important statute passed this session, was the Act for Triennial Parliaments, which provided that a new parliament should be called every third year, on the ground "that frequent and new parliaments tend very much to the happy union of the King and people." On returning to England in November, William found the Queen sick of the smallpox, of which, being unskilfully treated by the physicians, Mary died on the 28th of December, 1694, in the 33rd year of her age.*

* The letters published by Dalrymple in his appendix, from Queen Mary to the King, during his frequent absences and dangers in Ireland and on the Continent, sufficiently prove her consuming anxieties, and her fond and passionate devotedness to her husband. They also show, in a most striking light, the treachery and difficulties with which she was surrounded when the administration of Government during these long absences was left in her hands, and how entirely she depended upon the better judgment of her husband. In one of these letters, which were found carefully treasured in King William's cabinet, at Kensington, she says, "I pray God send you back quickly, for I see all breaking out into flames." And she regrets that, busy as she is, and with prying eyes constantly fixed upon her, she has not time to weep, which would a little ease her heart. "But," she says, "do but continue to love me, and I can bear all things else." On one occasion she tells her husband that Lord Lincoln has assured her "that the Lord President, and all in general who are in trust, are rogues:" on another, she says that Lord Monmouth, in a conversation with her, had told her that whatever was said in her cabinet-council one day was written to France the next. And nobody could speak with more certainty to this fact than my lord Monmouth, who was himself the writer of many of the lemon-juice letters to the courts of Versailles and St. Germain. When William was about to cross the Shannon, Mary writes—"This passage of the river runs much in my mind, and gives me no quiet night nor day, I have a million of fears. . . . I pray God give me patience and submission; I want the first exceedingly, but I hope all is well, especially your dear self, whom I love much better than life." Some of these letters are scarcely to be read without tears.

The death of Mary is an event of more than ordinary importance; it broke the last link between the hereditary and parliamentary title, for while she lived the nation was governed by one, if not the nearest, of its ancient line of kings, but on her death the crown rested solely on a parliamentary title. William had no other claim than that which the Revolution settlement gave to him, so that he was emphatically "a constitutional king."

"The line of monarchy," says Mackintosh, "coming down without interruption from antiquity, even excited a kind of veneration dangerous to freedom among the body of the people. They were unable to separate the duty which they owed to the kingly office from the personal authority of the king. But when the chain was once broken, the monarch could possess no more power than what the established laws bestowed. The crown was respected more than the prince. It was no longer considered as private property, since the hands which gave might resume it again. Besides, the prince himself would derive moderation from the very circumstance of his owing to others his power. His disputed title would naturally throw him on his people, as their adherence only could preserve the authority which they conferred."

The principles of passive obedience, the divine and indefeasible right of kings—in a word, the whole scaffolding of false and superstitious notions by which the royal authority had till then been supported, fell to the ground; and in the room of it were substituted the more solid and durable foundations of the love of order, and a sense of the necessity of civil government among mankind.

CHAPTER XXXI.

WILLIAM III. A.D. 1695—1702.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XIV., 1643-1715. *Germany*—LEOPOLD I., 1658-1705.
Spain—CHARLES II., 1665-1700. PHILIP V., 1700-1746. *Popes*—INNO-
 CENT XII., 1691-1700; and CLEMENT XI., 1700-1721.

- 1695**—Liberty of the press—Appropriation of supplies—Capture of Namur by William—Bombardment of Brussels by Louis XIV.
1696—Revision of the treason laws—Assassination plot—Reformation of the coinage.
1697—Darien scheme—Commencement of the national debt—Peace of Ryswick.
1698—Question of the reduction of the army—Extravagant fear entertained of a standing force—Resolution of Parliament to maintain the Revolution settlement.
1700—Resumption of the Forfeited Estates in Ireland Bill—Tory administration of Godolphin.
1701—Second Act of Settlement—Interference of the Commons with the foreign policy—Disavowal of the first Partition Treaty—Second Partition Treaty—Renewal of the war with France.
1702—Death of William (March 7th).

1695.]—The liberty of the press had already been established by the refusal of Parliament to continue any longer the restrictions which had before been imposed upon it; and the tacit consent now given by William to the grand principle of appropriation of supplies, completed the triumph of constitutional government. By this latter innovation the House of Commons acquired so effectual a control over every action of the Government, that no administration can possibly subsist without the concurrence of the majority in the House, nor can the session of Parliament be intermitted for a single year without leaving the whole fabric of the Government to be dissolved. Previous to the reign of William III., the whole of the revenue was placed at the king's disposal; the one-half to be applied to the maintenance of the government and the royal household, and the other to the public defence and contingent expenditure; but since that period separate grants have been made for each department, and by a clause repeated in the Appropriation Act of each session, the Lords of the Treasury are forbidden, under severe penalties, to order the issue of any moneys, except for the purposes for which they were granted. This year, as usual,

William went over to the Continent, and succeeded in recapturing Namur; but its reduction cost the allies 12,000 men, and Louis revenged himself by the bombardment of Brussels, which, with its houses and churches, was laid in ruins in one night.

1696.]—In William's third Parliament, which met towards the close of the preceding year, the Whig interest proved to be in the ascendant, and the Commons almost immediately proceeded with the revision of the Treason Laws, the object of which was to define more precisely the exact circumstances which constituted High Treason, and to provide for the accused better opportunities of defence. By the Treason Bill it was enacted that the accused should have a true copy of the articles of indictment at least five days, and of the panel of the jury at least two days before the trial; that he should be allowed the assistance of counsel; that every overt act should be proved by two witnesses; that the prisoner should be enabled to compel his witnesses to appear and be examined on oath, and that he should be allowed to challenge, without reason given, thirty-five of the jury, and that in all cases indictments must be laid within three years of the alleged treason, except only in the event of any attempt against the life of his Majesty William III. But that this Act shall not be construed as in any way applying to indictments for counterfeiting his Majesty's coin, sign manual, or seals.

The new Treason Bill had scarcely received the royal assent when the country was thrown into a state of alarm by the discovery of an extensive conspiracy, known as the Assassination Plot, from the design of the conspirators having been to assassinate the King, in order to overthrow the Government. After several meetings the conspirators abandoned the design in despair, but several persons were arrested, and Sir John Fenwick was brought to trial under the new statute. The indictment, however, could not be sustained, as one of the witnesses had absconded, and the Government therefore proceeded against him in Parliament by bill of attainder. This departure from the ordinary course of law produced much angry discussion in Parliament, but the bill passed both Houses by a small majority, and the execution took place a few days after.

1697.]—The attention of the Government was at this time occupied with the reformation of the coinage—which, from having been the worst in Europe, in less than two years became the best, but at a cost to the Government of £2,500,000—and with the regulation of the Darien scheme. This latter adventure had received the approval of the Scottish Parliament in 1695, and was now being pushed forward by Paterson and other pro-

jectors with a recklessness almost bordering on insanity, for although the whole circulating medium of Scotland at this time scarcely amounted to £850,000, the half of that sum had already been subscribed towards the enterprise, which consisted of a plan for opening up the trade of the Indies by means of colonies to be established on either shore of the isthmus of Darien, a line of traffic nearly corresponding with the modern Panama route. The infeasibility of this design was really owing to the geographical configuration of the isthmus, which in the then imperfect state of locomotion entirely precluded the transit of goods from the Atlantic to the Pacific Oceans, but the failure was attributed to the jealousy of the English East India Company, and a bitterness of national feeling was engendered which a few years afterwards occasioned the Scottish Parliament to pass the famous Act of Security, and which was not allayed till after the union in the next reign, when it was provided that the heirs of the sufferers by the Darien scheme should be compensated out of the "equivalent money."

The shock which the national credit received consequent on the failure of the Darien scheme, rendered it imperative that the Government should adopt some settled course for meeting its undischarged obligations, which now amounted to more than £5,000,000, besides the old debt of £1,328,526, incurred by Charles II. in 1672, when he seized the bankers' funds in the Exchequer. Previous to this date England can scarcely be said to have had a National Debt, but the expenses consequent on the Revolution, and the enormous cost of the French war, which had now been carried on with varying success for eight years, greatly overtaxed the national capabilities, and the result was that Parliament approved a scheme for funding the debt, known as the First General Mortgage. The system of loans having been once commenced, soon developed itself with an amazing elasticity, and before William's death the National Debt amounted to the enormous sum of sixteen and a half millions.

Both nations having at length become thoroughly exhausted by the long continuance of the war, William and Louis mutually arranged to compound their differences, and peace was concluded at Ryswick (Sept. 20) on the terms that neither sovereign should countenance any schemes against the dominions of the other, that free intercourse be restored, that the Hudson's Bay dispute be referred to commissioners, and that in the event of the renewal of hostilities, six months' notice be given to the subjects of either nation to remove their effects. The result of the war, however, was favourable to Louis, for although he surrendered most of his acquisitions, which he had taken from

the allies, he retained Strasburg and several fortified towns in Flanders.

1698.]—Immediately on the conclusion of peace, the Parliament took into consideration the reduction of the army, and required the King to dismiss all his land forces, except about 10,000 men, to be maintained merely by an annual vote. This was a step further than William had contemplated, and he consequently dissolved the Parliament, but as supplies were urgently needed he issued writs for a new election. When William's fourth Parliament met, it proved still more refractory than the preceding. Instead of accepting the King's apology for maintaining a larger force than had been voted, the Commons expressed themselves aggrieved that the recommendation of their predecessors had not been acted upon, and forthwith resolved that the army in time of peace should not exceed 7,000 men, and these to be of his Majesty's natural born subjects of England. This latter clause, especially, filled William with grief and indignation, as it went to deprive him of his Dutch guards, in whom he placed implicit confidence, and of the brave regiments of French Protestants who had done such good service in the cause of European independence. Rather than give effect to this vote, William declared that he would resign his crown and retire into Holland. Nor was this an empty boast; for the speech he intended to deliver on that occasion was actually written; but on more mature deliberation he resolved to submit his will to that of the Commons, and sent a message to them signifying his willingness to comply, but requesting, as a special favour, that they would, if possible, find some means for retaining his foreign troops longer in his service. The Commons, however, were inexorable; and returned answer that, although they were ready to give their lives and their fortunes in his service, they could not consent to more than 7,000 troops being retained for England, and 12,000 for Ireland, it being inconsistent with the liberties of the people that a large standing army should be retained in time of peace. This decision was certainly dictated by prudential motives, although we may well doubt both the justice and expediency of it. For under the then existing circumstances, little fear was to be entertained from the presence of a standing force, while the advantages of its possession were obvious; the foreign forces, too, were not of such a character as to endanger the liberties of the people; while the good service they had done to the country well merited a liberal consideration. "These men," says Hallam, "had claims which a grateful and generous people should not have forgotten; they were, many of them, the chivalry of Protestan-

tism—the Huguenot gentlemen—who had lost all but their swords in a cause which we deemed our own; they were the men who had terrified James from Whitehall, and brought about a deliverance which, to speak plainly, we had neither sense nor courage to achieve for ourselves, or which, at least, we could never have achieved without enduring the convulsive throes of anarchy.”* In every other respect the Commons were most loyal; they voted to William the annual sum of £700,000 for his Civil List, and entered into a mutual bond together with the Lords, for the protection of his person from all malicious designs, pledging themselves to revenge his death in case anything should happen to him, and to maintain the Revolution settlement.

1700.]—But their enthusiasm for the person of William did not prevent them from making him feel their power; being dissatisfied with his distribution of the forfeited estates in Ireland,† they passed the Resumption Bill, so called because it proposed to resume the grants of lands and revenues of the Crown, and all pensions granted since 6th February, 1684, and applying the same to the uses of the public. Notwithstanding the protest of the King and the adverse decision of the lawyers, this measure was carried by an overwhelming majority, and *tacked*, as it was termed, to a Money Bill, so that the Lords could not interpose to prevent its passing. This was certainly an encroachment on the Royal Prerogative, and might justly have been resisted; but William was in no position to quarrel with the Commons, and had committed himself by the lavish manner in which he had disposed of these resources, so that he was compelled to give his assent to the bill, though much against his will. To render the measure still more effective, the Commons resolved that an address should be made to his Majesty, that no person who was not a native of his dominions, except the Prince of Denmark, be admitted to his Majesty’s Councils in England or Ireland; and that the procuring or passing exorbitant grants by any member now of the Privy Council, or by any other that had been Privy Councillor in this or any former reign, to his use or benefit, should be considered a high crime and misdemeanour, and ordered a list

* Hallam, Const. Hist.

† Of these lands, it was found that 49,517 acres had been granted to the Earl of Romney; 108,633 acres to the Earl of Albemarle; 135,820 acres to the Earl of Portland; 26,480 acres to the Earl of Athlone; 36,148 acres to the Earl of Galway, and 95,649 acres, being the private estate of King James, and worth £25,995 per annum, to the Lady Elizabeth Villiers, Countess of Orkney, one of the King’s mistresses.

of the Privy Council to be laid before the House ; but to prevent the presenting this address, the King went to the House on the 11th of April, and prorogued the Parliament on the 23rd of May.

Having become weary of the interference of the Whigs, William determined to try the effect of forming a Tory administration, and on his return from the Continent gave the office of First Commissioner of the Treasury to Lord Godolphin ; Tankerville was made Lord Privy Seal, and the Earl of Rochester Lord Lieutenant of Ireland ; but the change was incomplete so long as the present Parliament was sitting, for the Whigs had a decided majority in the lower House.

1701.]—The Ministers therefore recommended a dissolution ; and when the new Parliament met in February, 1701, the Tories were in the ascendant. They, however, showed no inclination to relinquish any of the power which their predecessors the Whigs had gained, and even surpassed the Whigs in their zeal for the maintenance of the Revolution settlement.

By the death of James II., which took place on the 15th of September, 1701, his claim was inherited by the Prince of Wales, who was immediately acknowledged by the King of France as the legitimate Sovereign of England. This event appears to have given great uneasiness to the Parliament, which forthwith proceeded to pass an Act, indicting “the pretended Prince of Wales” of high treason, and desired William to declare war with France. The permanence of the Revolution settlement also appeared to be further endangered by the premature death of the Duke of Gloucester, the only surviving child of the Princess Anne, the heiress of the crown, in the preceding year. It was therefore thought expedient to more clearly define the succession, which was done by the Second Act of Settlement. This important measure declared the Princess Sophia, Dowager Duchess of Hanover, grand-daughter of James I., and her heirs being and continuing Protestants, to be next in succession to the throne, after the respective descendants of King William and of the Princess Anne, and then proceeded by subsequent clauses to limit and define the Royal Prerogative, the more important of which are as follows:—1. That succeeding kings shall join in communion with the Church of England, as by law established. 2. That in the event of any foreign prince hereafter coming to the throne, England shall not be required to engage in war for the defence of any of his dominions or territories not belonging to the Crown of England. 3. That no succeeding King shall go out of the British dominions without the consent of Parliament (a provision which was repealed by an Act of

George I.). 4. That in future all matters properly cognizable in the Privy Council shall be transacted there, and all resolutions taken thereupon shall be signed by such of the Councillors as shall advise and consent to the same (a clause rendered necessary by the clandestine manner in which William had proceeded with the Partition Treaties, but which was subsequently repealed by Act 4 Anne). 5. That no foreigner, though naturalized, shall be capable to be of the Privy Council, or a member of either House of Parliament, or to enjoy any office or place of trust, either civil or military, or to hold a grant from the Crown to himself, or to any other in trust for him. 6. That no pensioner or person in office under the Crown shall be a member of the Commons (a clause which was repealed by 4 Anne). 7. That the Judges' commissions be made *quamdiu se bene gesserint* and their salaries ascertained and established, and themselves to be removable only upon the address of both Houses of Parliament. 8. That no pardon under the Great Seal shall be pleadable to an impeachment in Parliament.

The next matter of importance which engaged the attention of Parliament was the Partition Treaty which had been concluded by the King with the States-General and the King of France, for the dismemberment of the Spanish monarchy, without the knowledge or approbation of Parliament, and which, now that Charles II. of Spain was dead, was discovered to have driven that monarch to make over his dominions to the Duke of Anjou, second son to the Dauphin of France; a union of interests which it was the main object of the other states of Europe to prevent. The popular indignation in England, therefore, on the discovery of this treaty, ran very high. The Lords addressed his Majesty, showing the ill consequences of the Treaty of Partition to the peace and safety of Europe; and desiring him that for the future he would communicate all matters of importance, relating to his British dominions, to a council of his natural-born subjects, whose interest it was to consult the welfare of their country, and whose experience and knowledge of their country would also render them more capable than strangers of advising him for the best; while the Commons busied themselves in preferring impeachments against those who had in any way been instrumental in concluding the treaty; but the difficulty was in fixing the responsibility on any individual minister, as the King had managed these negotiations himself, with the sole assistance of Lord Jersey. The Chancellor, Lord Somers, had, however, committed himself, by affixing the Great Seal to blank powers, and had consequently sealed the ratification of the treaty—though, as was alleged, without having been

consulted upon the merits of it; William, Earl of Portland, was likewise voted guilty by the Commons, of a "high crime and misdemeanour in negotiating and concluding a treaty which was destructive to the trade of the country and dangerous to the peace of Europe." Like votes passed for the impeachment of Edward Russell, Earl of Oxford, and Charles, Lord Halifax; but before their trials came on, a violent contention arose between the two Houses, on the mode of proceeding, which led to the acquittal of the four lords. The Peers asserted that no member of their House, although impeached of high crimes and misdemeanours, could be precluded from voting on any occasion, except at his own trial; while the Commons answered that, inasmuch as the impeached lords were to be allowed to vote for one another at their trials, for this and other reasons they did not think fit to appear at the trial. The contention at length grew so fierce on either side, that the King was compelled to put an end to the session. In this dispute it seems to have been agreed, both by the Lords and Commons, that the Partition Treaties were of pernicious consequence; and that the transacting them in that private manner, without communicating them to the Privy Council, was a high misdemeanour in those that advised and transacted them; but whether the Commons apprehended that the Peers, who were generally in the interest of the old ministry, would not pass a sufficiently severe censure on the impeached lords, or were offended at the lofty pretensions claimed by the Peers, is uncertain. The Commons, however, seem to have been a little dilatory in their proceedings, and might possibly have designed that the lords should have lain under these impeachments during the recess of Parliament; there might be also something of party in the case; the impeached lords were the chiefs of the Whigs, who had long reigned at court without control, and the Tories who succeeded them might have a view of preventing their return to their posts, as well as of bringing them to justice; hence the inference has generally been drawn that these impeachments were a disgraceful instance of strong party spirit on the part of the Tories then in power.

The Commons had fortunately before the dissolution of Parliament granted the sum of £1,500,000, for the public expenses, to be raised by a land tax, certain duties, and a weekly reduction from the excise, so as to bring down the Civil List to £600,000; they had also voted 30,000 seamen, and resolved that 10,000 troops should be sent to the States-General. The King, therefore, had no hesitation in declaring war with France; and going in person to the Continent concluded a second grand alliance

with the Emperor and the States for procuring the Netherlands and the Italian dominions of the crown of Spain for the Emperor, and for preventing the union of France and Spain under one government. His only anxiety was with regard to the English Parliament; for he knew that the Tories were timid and cautious in all their proceedings, and consequently unfitted to conduct the nation through a long and tedious campaign, as he saw the war of succession necessarily must be. He therefore resolved to take advantage of the popular fervour in England against Louis, who, contrary to the treaty of Ryswick, had recognised the pretended Prince of Wales as King of England, and consequently dissolved the Parliament, hoping that the new elections might prove more favourable to the war policy. Nor was he deceived; for on the meeting of the new Parliament, the Commons voted a supply of 90,000 men for the land and sea services, and brought in a bill compelling all persons holding any office or place of trust to take an oath *abjuring* the Prince of Wales and accepting the succession as fixed by the Act of Settlement.

1702.]—The war, however, had scarcely commenced, when a fall from his horse brought William to an untimely end. He died on Sunday, March the 7th, 1702, equally regretted by his English and Dutch subjects, who looked up to him as the champion of Protestantism and liberty in Europe. "It must ever be an honour to the English crown," writes Hallam, "that it has been worn by so great a man. Compared with him the statesmen who surrounded his throne sink into insignificance. He was, in truth, too great, not for the time wherein he was called to action, but for the peculiar condition of England after the Revolution, and as he was the last sovereign of this country whose understanding and energy of character have been very distinguished, so was he the last who has encountered the resistance of his Parliament, or stood apart and undisguised in the maintenance of his own prerogative." In his manner he was cold and repulsive; but even this was an advantage in his character, at least so far as the English nation was concerned—for had he possessed a gracious and pleasing exterior in addition to his great mental attainments, he might not improbably have acquired such a command over the public mind as to have endangered, although unintentionally, the cause of liberty. As it was, England acquired not only a higher position amongst the states of Europe, and a greater security for the national freedom, but also a higher tone of national morality and a more enlightened public opinion by the free exercise of the press, which marks his reign as the commencement of the modern period of history.

CHAPTER XXXII.

ANNE. MARCH 8, 1702—AUGUST 1, 1714.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XIV., 1643-1715. *Germany*—LEOPOLD I., 1658-1705. JOSEPH I., 1705-1711; CHARLES VI., 1711-1742. *Spain*—PHILIP V. 1700-1746. *Pope*—CLEMENT XI., 1700-1721.

1702—Accession of Anne (March 8)—Tory predilections of the Queen—War of the Spanish Succession.

1703—Brilliant successes of Marlborough—Exclusion of the chiefs of parties from the cabinet.

1704—Victory of Blenheim and capture of Gibraltar—Factional opposition of the Tories—Anxiety for the Protestant Succession—Precautionary measures—Bill against occasional conformity—Discontent in Scotland—Scotch Act of Security.

1706—Act of Union with Scotland—Victory of Ramillies.

1707—Louis XIV. sues for peace—Defeat of the allies at Almanza.

1709—Battle of Malplaquet.

1710—Change in the prospects of Europe—Ascendancy of the Whigs—Impeachment of Dr. Sacheverel, and return of the Tories to power.

1711—The Duchess of Marlborough disgraced—Dishonourable negotiations for peace.

1713—Treaty of Utrecht—Question of expediency.

1714—Danger to the Hanoverian succession—Revival of the Whig influence—Precautionary measures—Death of the Queen (August 1).

1702.]—So complete had been the success of the Revolution that, on the death of William, not the slightest voice was raised in favour of the Prince of Wales; and the Princess Anne,* according to the terms of the Act of Settlement, succeeded to the throne without the slightest opposition. It was well known that in her private sentiments she was Tory and High Church; but the peculiar circumstances under which she ascended the throne, and the influence of the Duchess

* Anne was the second daughter of James II., by Anne Hyde, daughter of the Earl of Clarendon; she was born in 1664, and spent the greater part of her youth in France, under the care of her grandmother Henrietta Maria, relict of Charles I. of England; subsequently, upon the marriage of her father with Mary of Modena, her education was entrusted to Bishop Compton, of London, who instructed her in the Protestant faith. In 1683, she married Prince George of Denmark, by whom she had a numerous family, all of whom died in infancy, except William Duke of Gloucester, who was born in 1689, and lived till he was eleven years of age.

of Marlborough, who was a Whig, in a great measure tended to counteract this predilection. In her first interview with the Privy Council she assured them that it was her firm intention to maintain the Protestant religion, and to continue the policy of the late King, whose wisdom and moderation she intended to copy. A similar address was made to either House of Parliament, and the Commons, in reply, promised to support her with the necessary funds, and requested her to continue the preparations for the war with France. Marlborough, whose great abilities had been shown in negotiating the grand alliance, was accordingly sent to the Hague to arrange the plan of the ensuing campaign with the allies, and was intrusted with the command of the allied forces ; but, before entering on the War of Succession, which conferred undying fame on the English arms, we must look to the position of parties at home. Since the revolution the contest between the Crown and Parliament had almost entirely ceased ; and this, in a great measure, explains the anomaly of a sovereign deriving her claim from a parliamentary settlement, and at the same time entertaining high Tory notions. “By the death of William,” says a judicious writer, “the Crown had fallen almost into the old channel. Instead of a foreigner and only a relative, a princess, a native of the kingdom, the only daughter of a king whose title as far as it was hereditary was undoubted, and at the same time a Protestant and much attached to the Church, had now possession of the throne.” The greater part, consequently, of the high Tories, and many even of the professed Jacobites, were satisfied with this slight deviation on account of convenience from the line of succession, and were content to waive their peculiar tenets for the present, in hopes that the influence of the reigning sovereign would enable her to bequeath the throne to her own family. Similar sentiments, we are assured, had been adopted by the few persons who still formed at St. Germain the idle show of a court. They knew the professions which the Queen had made to her father during the most part of her predecessor’s reign, and believed, or affected to believe, that she only took possession of the Government to restore it when time should come to her excluded brother.

The coalition, therefore, of these two powerful factions gave the Tories a decided majority in the Commons ; while the Queen’s choice of ministers showed her inclination in favour of high monarchical principles. Lord Rochester, her uncle, was continued Lord Lieutenant of Ireland ; Lord Nottingham was Secretary of State ; the Marquis of Normanby got the Privy Seal ; Marlborough was decorated with the Order of the

Garter, named Captain-General of the English forces at home and abroad, and Master of the Ordnance; Godolphin was made Lord High Treasurer, being in reality Prime Minister; and the Queen's husband, Prince George of Denmark, still occupied his seat in the House of Peers as Duke of Cumberland, and was named Generalissimo and Lord High Admiral.

On the very same day war was declared against France at London, the Hague, and Vienna; and Marlborough opened the campaign by laying siege to Venloo, which surrendered after a stout resistance. Ruremonde, Stevenswaert, and Liege were then reduced, and the French were finally compelled to recross their own frontier. The success of the English arms was equally brilliant at sea; for although the Duke of Ormond failed in his attempt on Cadiz, he succeeded in surprising the West Indian fleet, which lay in Vigo Bay, under the protection of a French squadron. Having taken the two castles which commanded the entrance of the harbour, the English then engaged the French fleet and cut out 10 men of war, 11 galleons, and several ships, valued at 7,000,000 dollars. Other treasures to the amount of 14,000,000 were supposed to have been sunk in the bay. Marlborough, on his return to England, was created a duke, and Parliament thanked him for his services, but refused to confirm the grant of £5,000 a year to be paid out of the revenues of the Post-office, which the Queen had made to him, saying that they would not be parties to the alienation of the Crown's revenues, which had already been much reduced by the lavish grants of the late reign.

1704.]—This naturally gave offence to the Queen, who was further disgusted with the evident reluctance of the Tory party to carry on the war with such vigour as Marlborough knew to be requisite; she, therefore, dismissed Rochester, Nottingham, and Buckingham from her councils and dissolved the Parliament, but at the same time carefully avoided bestowing the vacant places on the Whig leaders, it being the advice of her confidential advisers, Marlborough and Godolphin, to exclude the chiefs of parties from the Cabinet. Hence the administration, from 1704 to 1708, cannot properly be reckoned as belonging to either of these great factions, but as forming a kind of mutual link between the two, alternately opposed or supported by either party as circumstances or party spirit might dictate. Meanwhile the war on the Continent had been sustained with equal energy on either side. In the Mediterranean Admiral Rooke had captured Gibraltar from the Spaniards; and in Flanders the French were entirely defeated, but in Germany and Italy the allies

were not equally successful. There Tallard and Vendôme so pressed the Emperor that he was in danger of being besieged in his own capital, and only for the timely aid of Marlborough, who, by a masterly manœuvre, forced the lines of the Bavarians at Schellenburgh, and gained the glorious victory of Blenheim, the whole country must have been overrun. This victory for a time crippled the power of France; and the Duke, having reduced the strong fortresses of Ulm, Treves, and Traerbach, returned to England, where he was received by the Queen and both Houses with the most marked distinctions of honour, and was rewarded by the gift of the royal manor of Woodstock, on which was to be erected at the public expense a magnificent palace, to be called Blenheim Castle, in commemoration of the victory.

The Tories, however, who were in the minority in the new Parliament, disgusted at the secession of Marlborough, as they considered it, from their party, endeavoured to depreciate his services; and in order to perplex the Government introduced a bill for requesting the Princess Sophia of Hanover to come and reside in England; it being an established fact in history, they asserted, that whatever prince was nearest to England at the time obtained the vacant throne.

Whatever truth there may have been in this assertion, it is probable it influenced the Tories but little in their conduct. Their real object undoubtedly was to place the Whigs in opposition to the Government; for they well knew that if the latter voted in favour of the bill they must inevitably lose the confidence of the Queen, and if they voted against it they must incur the charge of inconsistency and treachery to the Protestant cause. They therefore pressed the measure with all haste, but the ministers perceiving their intention, adroitly avoided the snare by rejecting the bill, and at the same time proposing another for confirming the Hanoverian succession. Lord Wharton, with happy irony, congratulated the House on the manifest miracle that had so suddenly changed the principles of the Tories, and advised that an order be immediately given to the judges to prepare and present a bill to the Lords, for forming an eventual Regency of the first officers of State, upon the death of the Queen, and for providing a continuation of legal government till the rightful successor should arrive and assert his own authority. Nor was this measure premature; for not only the ministers but even the Queen herself were suspected (not without some show of truth) of being favourable to the restoration of the Stuart line; and there is abundant evidence to prove that Godolphin and Marlborough were in correspondence with the

court of St. Germain, long even after the accession of Anne had placed the whole affairs of government in their hands.

1705.]—But the Tories were not thus easily to be silenced. Having failed in effecting a breach between the Queen and the ministers on the subject of the Hanoverian succession, they re-introduced the bill against occasional conformity which had been rejected in the preceding Parliament, under the specious pretext of preventing hypocrisy in religion, but with the sinister motive of rendering unavailing the Act of Toleration: for most of the Protestant dissenters, as we have before observed, although they differed from the Church in her ecclesiastical polity, nevertheless did not refuse to take the communion in her pale, as a qualification for the exercise of their civil rights; but if the present bill were passed, they would be excluded from holding any civil or municipal office. A violent debate therefore ensued, but it was finally decided that the measure in its present form was unadvised, and that whosoever should assert that the established religion was in danger was an enemy to the Queen, the Church, and the kingdom. The result was, that the bill finally passed, but with such considerable alterations as to render it innocuous, and was repealed some twelve years afterwards. About the same time the Queen caused a bill to be submitted to the Commons, to enable her to alienate the first-fruits and tenths, which before the Reformation had formed part of the Papal dues, and now amounted to about £16,000 a year; these she proposed to apply to the augmentation of small livings, and the project being approved, formed the origin of "Queen Anne's Bounty." The affairs of Scotland now drew off the attention of Parliament for a time from party strife. In that country, ever since the accession of William III., there had been a strong feeling of discontent gradually spreading, owing mainly to the failure of the Darien company and the jealousy of the Scottish merchants, who were excluded from the trade of the English possessions in the East, so much indeed that William never ventured to dissolve the Convention Parliament which had placed him upon the throne; and on the accession of Anne, the national party, as it was termed, was so powerful that she dreaded the consequences of a new election, and suffered the Whig ministers of the late King to remain in power: but when the Act for regulating the succession and securing the Crown to the Princess Sophia was passed in England without consulting the wishes of the Scots, the smouldering embers of discontent broke forth into an open flame, and the Scottish Parliament passed an Act called the Act of Security, which provided that although the Scottish succession should be retained in the Protestant line,

yet on no account should the same person who might be chosen for England reign in Scotland, unless the independence of the Scottish nation and Parliament should be previously acknowledged, and the religion, trade, and liberty of the people secured against English influence. The Duke of Hamilton* and other powerful nobles thereupon retired to their estates, and everything seemed to threaten the commencement of an international war; but this calamity was fortunately averted through the moderate policy of the Queen, who, instead of adopting the compulsory measures recommended by the English Parliament, gave her assent to the Act of Security, and procured the authority of Parliament for appointing commissioners to negotiate a union of the two countries, so that they should not only have one monarch, but one legislature and government.

1705-7.]—Immediately upon the meeting of the new Parliament the consideration of this all important question was proceeded with; the Earl of Queensbury was appointed commissioner for Scotland, and Godolphin for England; but the measure was by no means popular in either country, both the Scots and the English were jealous of each other. The former were irritated at the thought of the loss of their national existence, which must inevitably be absorbed in the more powerful state of England, if an incorporating union were agreed upon; while the latter were equally offended at the superior advantages conceded to Scotland. At length, however, these mutual jealousies were overcome, partly by argument and partly by the judicious application of bribes, so that the Act of Union, after having been carried in the Scottish Parliament by a majority of 110, passed through the English Parliament without much opposition; and on the 25th of March in the following year (1707), the last of the parliaments of Scotland rose never to meet again. The chief provisions of the Act of Union thus finally effected were: That the two kingdoms should upon the 1st day of May next ensuing, and for ever after, be united into one kingdom by the name of Great Britain. That the succession to the monarchy of the United Kingdom of Great Britain should remain to the Princess Sophia, and the heirs of her body being Protestants. That the whole island should be represented by one Parliament, in which 16 peers to be chosen by their order, and 45 commoners,

* The Duke of Hamilton was accused of supporting this measure out of his own private ambition; because that he, next after the house of Hanover, who were in manner excluded by this Act, was the nearest Protestant heir to the Scottish throne, being lineally descended, by a daughter, from the first branch of the house of Stuart which reigned in Scotland.

of whom two-thirds to be chosen by the counties and one-third by the boroughs, should represent Scotland; all subjects of the United Kingdom to have full freedom of trade and navigation in all ports and places in Great Britain and its dominions, colonies, and plantations; the merchants of either country to enjoy the same commercial allowances and privileges, and to be liable to the same restrictions; the laws of public policy and civil government to be the same for both parts of the kingdom, but no alterations to be made in the laws concerning private rights except for the benefit of the subjects of Scotland; the Scottish courts of judicature to remain unchanged, although subject to such regulations as should be made by the Parliament of Great Britain. The peers of Scotland to rank next after those of England of the like degrees at the time of the Union. The regalia and all public records to remain still in Scotland, and the Church of Scotland to be maintained inviolate in all its rights and privileges; and lastly, the same taxes and customs to be levied in both parts of the kingdom, except that the land tax was reduced in favour of Scotland, the latter country having no national debt.

This was certainly a measure of the utmost importance to the peace and prosperity of the whole kingdom, and was justly regarded by the Queen as the crowning triumph of her reign. In giving her assent to the bill, she said, "I consider this union as a matter of the greatest importance to the wealth, strength, and safety of the whole island; and I make no doubt it will be remembered and spoken of hereafter, to the honour of those who have been instrumental in bringing it to such a happy conclusion."

Meanwhile the course of affairs on the Continent continued prosperous. On the 23rd May, 1706, the Duke of Marlborough gained a glorious victory at Ramilies, in which the French lost 8,000 killed, and 6,000 prisoners, besides all their artillery and baggage. This victory was attended with the immediate conquest of all Brabant; Brussels, Bruges, Ghent, and Mechlin submitted without a struggle, while Ostend, and other fortified places which held out, were soon reduced. In Italy the allies gained the battle of Turin, and drove the Duke of Orleans back to France, so that Louis XIV. was compelled to sue for peace; but the demands of the allies were so exorbitant, that he determined again to try the fortune of war: and having obtained supplies from the estates, who besought him to maintain the honour of France at any sacrifice, he accordingly sent the Duke of Vendôme into Flanders with a powerful army, to occupy the attention of Marlborough, but with strict orders not to risk a

battle; while he gave instructions to his son-in-law, Philip of Spain, to press the allies in that quarter with all his might. The consequence was, that the Archduke Charles was defeated at the battle of Almanza (April 14th, 1707), and all Spain, except Catalonia, submitted to Philip. The Duke of Savoy and Prince Eugene were also compelled to raise the siege of Toulon, which they had undertaken to reduce, in concert with the allied fleets under Sir Cloudesley Shovel. The result of the campaign was, therefore, on the whole, favourable to France. The next year (1708), however, saw matters restored to their former position: the attempt of the Pretender, styled by some the Chevalier de St. George, to land in Scotland with a French army, was successfully frustrated, and Marlborough gained some signal advantages in Flanders, where Ghent and Lisle surrendered; and in the following year (1709), the allies gained the glorious victory of Malplaquet, which entirely crippled the power of France. In this terrible battle, the most desperately contested during the war, the allies, although victors, are said to have lost 20,000 in killed and wounded.

1710.]—These continued reverses, combined with the distress occasioned by a severe winter in France, made Louis XIV. a third time sue for peace; but he refusing to give up the Two Sicilies, which he demanded as an indemnity for Philip, the negotiations were broken off, and the war was again renewed, but not with the same vigour as previously; for the changes in the English ministry, and the succession of the Archduke Charles to the imperial throne, had greatly altered the relative position of parties. The Tories, as we have seen in the earlier part of the Queen's reign, had greatly injured their interest by division, while the Whigs acting in concert under the able direction of the junto, as it was called, composed of the lords Somers, Halifax, Wharton, Orford, and Sunderland, had gradually been acquiring influence; till at length, notwithstanding the endeavours of Marlborough and Godolphin to prevent the ascendancy of either party, they had succeeded in filling all the places in the ministry with their adherents; so that in 1708, when Anne's third Parliament met, Sir Richard Onslow, a Whig, was chosen speaker, and the whole administration became Whiggish. But their tenure of office was extremely precarious; for the Queen, who had never been fully reconciled to their principles, began to be weary of the supercilious airs assumed by the Duchess of Marlborough, their great advocate, and admitted into her confidence Mrs. Masham, better known by her original name of Abigail Hill. This woman was a distant relation of the duchess's, and had been introduced by her as a fit person to hold a sub-

ordinate situation in the Queen's household; but finding her power over the Queen, she soon began to league with Harley and St. John to effect the overthrow of the Whigs, who were at no pains to conciliate the royal favour, but rather provoked the indignation of the Queen by instituting an attack upon the admiralty, which was under the immediate direction of the Prince Consort. But that which more immediately effected the overthrow of the Whig administration was the injudicious impeachment of Dr. Sacheverel, a high Tory divine, who had preached a ranting sermon before the Lord Mayor and Aldermen on the text, "Perils from false brethren," in which he inveighed bitterly against the tolerant spirit of the bishops towards the Dissenters, characterising the Revolution of 1688 as an unrighteous change, and wound up with a furious invective against the ministers, especially Godolphin, whom he styled Volpone. Somers and Marlborough, it is said,* were for leaving the matter to the ordinary tribunals; but Godolphin, whose feelings were wounded, was earnest for an impeachment; and the matter being brought before Parliament, the Commons voted this, and another sermon of Sacheverel's preached at Derby on the 15th of August, to be scandalous and seditious libels; and on the 27th of February, 1710, the trial commenced before the Lords in Westminster Hall. The public excitement on this occasion was intense; every day the hall was crowded to suffocation; and as Sacheverel passed from his lodging in the Temple, his carriage was surrounded by a tumultuous mob, who saluted him with shouts of joy and tremendous cries of "High Church and Dr. Sacheverel;" but the Lords correctly took no notice of this popular clamour, and, after a careful investigation, Sacheverel was found guilty of exceeding the licence of preaching, and was suspended for three years. This gentle sentence was regarded by the Tory party as a triumph, and in fact it was; bonfires and illuminations in the capital and all over the country testified to the joy of the people, and addresses in favour of non-resistance poured in from all parts of the realm.

The charge against Sacheverel was not for impugning what was done at the Revolution, which he affected to vindicate, but for maintaining that it was not a case of resistance to the supreme power, and, consequently, no exception to his tenet of an unlimited passive obedience.† The managers of the impeachment had, therefore, not only to prove that there was

* Coxe's Life of Marlborough, iii. 141.

† "With a view of the interests of their ministry," says Hallam, "this prosecution of Sacheverel by the Whigs was very unadvised; it was

resistance in the Revolution, which could not of course be sincerely disputed, but to assert the lawfulness in great emergencies, or what is called, in politics, necessity, of taking arms against the law—a delicate matter to treat of at any time, and not least so by ministers of State and law officers of the Crown in the very presence, as they knew, of their Sovereign. “We cannot praise too highly,” says Hallam, “their speeches upon this charge; some shades, rather of discretion than discordance, may be perceptible; and we may distinguish the warmth of Lechmere, or the openness of Stanhope, from the caution of Walpole, who betrays more anxiety than his colleagues to give no offence in the highest quarter; but, in every one, the same fundamental principles of the Whig creed, except on which indeed the impeachment could not rest, are unambiguously proclaimed.” “Since we must give up our right to the laws and liberties of this kingdom,” says Dr. Joseph Jekyll, “or which is all one, be precarious in the enjoyment of them, and hold them only during pleasure, if this doctrine of unlimited non-resistance prevails, the Commons have been content to undertake this prosecution.”*

Thus fell the most glorious, the most able, and we may add perhaps the most virtuous and patriotic administration that England had possessed since the days of Elizabeth. “It seems rather a humiliating proof of the sway which the feeblest prince enjoys even in a limited monarchy, that the fortunes of Europe should have been changed by nothing more noble than the insolence of one waiting-woman and the cunning of another. It is true that this was effected by throwing the weight of the Crown into the scale of a powerful faction, yet the house of Bourbon would probably not have reigned beyond the Pyrenees, but for Sarah and Abigail at Queen Anne’s Court.”†

The Tories had, from the beginning, come very reluctantly into the schemes of the grand alliance, and now that they had gained the upper hand it became clearly evident that they were bent on obtaining peace at any sacrifice; and in this they were supported by the general voice of the nation, which had at length become weary of the war. The apparent willingness of Louis to concede weighed with many; the pressure of taxation with others; and the want of French wines and other foreign luxuries

however, of high importance, in a constitutional light, and is not only the most authentic exposition, but the most authoritative ratification of the principles upon which the Revolution is to be defended.”—Const. Hist. ii. p. 367.

* State Trials, xv. 25. Hallam, Const. Hist. ii. p. 368.

† Hallam, Const. Hist. ii. p. 373.

rendered numbers pacific. "It was strange to see," says a contemporary historian,* "how much the desire of French wine, and the dearness of it, alienated many men from the Duke of Marlborough's friendship." He was consequently accused of desiring to prolong the war from selfish motives; and when he returned to England at the close of the campaign (November, 1710), instead of receiving the thanks of the Queen and both Houses of Parliament, as on former occasions, he had the mortification of seeing the thanks of the Houses bestowed on Peterborough for his Quixotic exploits in Spain, and the places at Court previously held by his Duchess divided between the Duchess of Somerset and Mrs. Masham, while an attempt was made to convict himself of peculation. It was in vain that Marlborough continued to gain victories in the field; the agents of the Government were already in secret negotiation with the Court of France, and, notwithstanding the express words of the alliance, which forbade any of the contracting parties to enter on peace without the consent of the others, preliminaries had already been signed at Paris. When these were communicated to the ministers of the allies at London, they protested strongly against them as dishonourable and suicidal to the interests of Europe; and were so far successful in their representations as to induce the Lords to propose an amendment to the address, declaring that no peace could be safe or honourable if Spain and the West Indies were to be allotted to any branch of the house of Bourbon; but a similar motion was rejected by the Commons, who not only authorised the ministers to sign the preliminaries of a treaty, but even went so far as to accuse Marlborough of peculation and mal-administration of the funds placed at his disposal. He was, consequently, deprived of the command of the forces, and ordered to return home to take his trial; but there the matter ended, for the ministers did not dare to impeach him, nor even to reply to a vindication of him which was published. But the Emperor and the States General would not hear of peace, and despatched Prince Eugene to England on an embassy to represent the fatal consequences of deserting the allies, and to propose a new plan for the future conduct of the war. Eugene, however, found the Queen deaf to his solicitations, and had the mortification of returning with the displeasing intelligence that the allies must accede to the terms of the treaty, or else England would make peace without them.

1713.]—For a while the war was sustained by the valour of

* Cunningham, ii. p. 210.

Prince Eugene, who now took the command of the confederate forces ; but the loss of the battle of Denain convinced the allies that they were incompetent to maintain the struggle without the assistance of England, and hastened the conclusion of a treaty, which was signed at Utrecht between England, Holland, Portugal, Prussia, Savoy, and France. The Emperor did not accede to the peace until a year later, when forced by the successes of Marshal Villars. By this treaty it was arranged that Philip V. should retain Spain and the Indies, giving up the Spanish Netherlands and Italian dominions to the Emperor, and Sicily to the Duke of Savoy, at the same time renouncing his claim to the crown of France, and the other French princes resigning their rights to that of Spain, so that the crowns of France and Spain should never be united. It was further stipulated that Louis XIV. should acknowledge the Protestant succession of the house of Hanover, abandon the cause of the Pretender, and not afford him an asylum in France ; that he should cause the fortifications of Dunkirk to be demolished and the harbour filled up ; that the possession of Nova Scotia, Newfoundland, and St. Christopher's be acknowledged, as of right, to belong to Great Britain ; that Hudson's Bay remain with the English, but that the French have liberty to fish within certain limits. On the part of Spain, it was agreed to cede Minorca and Gibraltar to England, with the monopoly of the supply of slaves, who were not to fall short of 4,800 negroes annually to the Spanish Indies. These conditions were variously received by the two parties in England : the Whigs declaring them a disgrace to the country and suicidal to the interests of Europe ; while the Tories defended them on the ground that they secured the grand object of the alliance, the separation of the crowns of France and Spain, and further obtained for England as many advantages as could be hoped for under existing circumstances. They argued, and with some show of plausibility, that the resources of the country had been much wasted by the long continuance of the war ; and notwithstanding the heavy burdens to which the people had been subjected, the national debt had so rapidly increased that the mere interest of it far exceeded the ancient revenues of the Crown, to be bequeathed, like an hereditary curse, to unborn ages.* The landed proprietors, too, it was asserted, were re-

* The national debt, on the 31st of December, 1714, according to Chalmers, amounted to £50,644,206 ; Sinclair makes it £52,145,363 ; but about half of this was temporary annuities. The whole expenses of the war are reckoned by the former writer at £65,853,799. The interest of the debt was, as computed by Chalmers, £2,811,903 ; by Sinclair, £3,351,358.

duced to a condition little better than that of farmers at a rack-rent to the army and the public funds;* while the Government, to repair the continual loss of men, had been compelled to resort to unconstitutional means for the recruiting of the army.†

As a corollary to the treaty of Utrecht, another, called the Barrier Treaty, was concluded with the object of strengthening the frontiers of Holland. This latter gave the right of fortifying Namur, Charleroi, and other points along the frontier to the Dutch, who were to be assisted by England with 10,000 men and twenty ships, without the necessity of England declaring war; but in the event of these aids not being found sufficient for maintaining the integrity of Holland, then England was to declare war against the aggressor.

1714.]—One of the main objects of the Tories in so suddenly concluding peace with France, was undoubtedly the prospect it gave them of effecting more easily the restoration of the exiled family; for although Oxford and several other members of the cabinet were favourable to the Hanoverian succession, it cannot be denied that the great majority of the Tory party were heartily devoted to the cause of the Pretender. Even the Queen herself, although she bore no love for her brother, thought his claim preferable to that of the electoral family, whom she hated,‡ and it appeared only to want a favourable opportunity to secure his succession. The friends of the Protestant succession therefore became extremely anxious, and the Whig leaders recommended Schutz, the Hanoverian envoy, to demand a writ of

* Examiner, No. 13. October 1710.

† The ministers had several times endeavoured to obtain an Act for recruiting the army by a forced conscription, but the motion had always been rejected by the Commons as unconstitutional; till at length, in 1706, the impossibility of raising the forces required for the war by voluntary enlistment compelled the Commons to sanction a bill "for raising a sufficient number of troops out of such persons as had no lawful calling or employment;" a method hardly less unconstitutional than the former, and liable to enormous abuse. This measure, it is true, was only temporary, but it was renewed several times, and so late as the reign of George II. was drawn into a precedent. See Stat. 4 Anne, c. 10. Parl. Hist. 335, 30 George II. c. 8.

‡ "The truth seems to be that Anne was very dissembling, as Swift repeatedly says in his private letters, and as feeble and timid persons in high station generally are; that she hated the house of Hanover, and in some measure feared them; but she had no regard for the Pretender (for it is really absurd to talk, like Somerville, of natural affection under all the circumstances), and feared him a great deal more than the others; that she had, however, some scruples about his right, which were counterbalanced by her attachment to the Church of England; consequently, that she was wavering among opposite impulse, but with a predominating timidity which would have probably kept her from any change."—Hallam, Const. Hist. ii. p. 389.

summons for the electoral Prince, as Duke of Cambridge, to come to England; which according to the existing law could not well be refused. The Queen, however, expressed herself highly indignant at this presumption, and forbade the Hanoverian minister to appear at Court; she also wrote to the Elector, on the 19th of May (1714), expressing her disapprobation of the Prince's coming over to England, and her determination to oppose a project so contrary to her royal authority, however fatal the consequences might be.* The sudden death, by apoplexy, of the Princess Sophia (June 7), was by some ascribed to the effect on her of the Queen's letter; but, however, this may have been, certain it is that the measure was given up, either from unwillingness on the part of George to make the Queen his irreconcilable enemy, or, as is at least equally probable, out of jealousy of his son.

The conduct, however, of the Whigs in urging on the house of Hanover to maintain their title, is certainly deserving of all praise; for whatever may be said to the contrary by "a few moderns who have assumed the privilege of setting aside the persuasion of contemporaries," it is quite clear that the Protestant succession was really and truly in danger. "I am much inclined," says Hallam, "to believe that the great majority of the nation were in favour of the Protestant succession; but if the princes of the house of Brunswick had seemed to retire from the contest, it might have been impracticable to resist a predominant faction in the Council and in Parliament; especially if the son of James, listening to the remonstrances of his English adherents, could have been induced to renounce a faith which, in the eyes of too many, was the sole pretext for his exclusion, and was at least almost the only one which could have been publicly maintained with much success, consistently with the general principles of our constitution."†

Fortunately, however, for the cause of liberty, the hereditary obstinacy of James prevented him from changing his religion, and the more moderate Tories becoming alarmed for the safety of their Church, as they saw the Queen's dissolution approaching, joined with the Whigs in taking precautions for securing the Protestant succession.‡ A few days before the Queen's death,

* Macpherson, *Hist. Great Brit.* ii. p. 621.

† *Const. Hist.* ii. p. 391.

‡ It seems to have been a *sine quâ non* with the Tory leaders that the Pretender should become a Protestant. Bolingbroke, in his letter to Sir W. Wyndham, says, "I cannot forget, nor you either, what passed when, a little before the death of the Queen, letters were conveyed from the chevalier to several persons—to myself among others. In the letter to me the article of religion was so awkwardly handled, that he made the

Bolingbroke was dismissed from office, and Shrewsbury appointed in his stead ; so that when that event took place, on the 1st of August (1714), Prince George of Hanover, though unknown and absent, was proclaimed without a single murmur, as if the Crown had passed in the most regular descent ; thus excluding for ever not only the descendants of James II. but also those of his sister Henrietta, who was married to the Duke of Orleans, brother of Louis XIV.

principal motive of the confidence we ought to have in him, to consist in his firm resolution to adhere to Popery. The effect which this epistle had on me was the same which it had on those Tories to whom I communicated it at that time ; it made us resolve to have nothing to do with him."

CHAPTER XXXIII.

HOUSE OF BRUNSWICK.

GEORGE I. AUGUST 1, 1714—JUNE 11, 1727.

CONTEMPORARIES.

France—LOUIS XIV., 1643-1715; LOUIS XV., 1715-1774. *Germany*—CHARLES VI., 1711-1742. *Spain*—PHILIP V., 1700-1746. *Prussia*—FREDERIC I., 1701-1713; FREDERIC WILLIAM I., 1713-1740. *Russia*—PETER THE GREAT, 1685-1725; CATHARINE I., 1725-1727. *Popes*—CLEMENT XI., 1700-1721; INNOCENT XIII., 1721-1724; BENEDICT XIII., 1724-1730.

- 1714**—Undisputed succession of George I.—Whig administration.
1715—Riot Act passed—Impeachment of those who had negotiated the peace of Utrecht—The Pretender lands in Scotland—His adherents defeated at Sheriffmuir and Preston—Apathy of the English Jacobites—Important effect of the Union.
1716—Repeal of the Triennial Act—Influence of septennial Parliaments in increasing the power of the Commons—Authority of Parliament to determine its own duration—Proposal for restricting the number of the peers—Evils to be anticipated from this measure—Its rejection—South-Sea scheme—Judicious policy of Walpole.
1717—Movements in favour of religious liberty—Repeal of the Act against Occasional Conformity—Schism Bill—Suppression of Convocation—Triple alliance of England, France, and Holland.
1718—Quadruple alliance—Defeat of the Spanish fleet off Cape Passaro.
1720—Philip V. of Spain sues for peace and renounces his claim to the French throne—Effort in favour of the Pretender frustrated.
1722—Deprivation and banishment of Bishop Atterbury.
1723—Habeas Corpus Act suspended.
1724—Impeachment of the Earl of Macclesfield.
1725—Secret articles of the Treaty of Vienna—Renewal of the war with Spain.
1727—Peace of Aix-la-Chapelle—Death of the King (June 11).

1714.]—So prompt and energetic were the arrangements adopted for securing the Protestant succession, that the friends of the Pretender were entirely thrown off their guard; and before they could recover their consternation at the suddenness of the Queen's death and the fall of Bolingbroke, Prince George*

* George I. was the son of Sophia, grand-daughter of James I., and of the Elector of Hanover. He was born in 1660, and first visited England in 1681, with the design, as is said, of paying his court to the Princess Anne; but, not prospering, returned to Germany, where he married (1682) Sophia Dorothea, heiress of George, Duke of Zell, and had by her two children—

had landed in England, and been acknowledged by most of the Continental princes. His first care was to dissolve the Parliament, and to form a new ministry almost entirely Whig. Townshend and Stanhope were appointed Secretaries ; Cowper, Lord Chancellor ; Marlborough, Commander-in-Chief ; Walpole, Paymaster of the Forces ; and Nottingham, President of the Council. These appointments created general dissatisfaction amongst the Tories, who had been accustomed to regard a leading share in the administration as belonging of right to what was called the Church party, and they complained bitterly of the formation of a ministry upon the Whig principle. But was it not natural, we may ask, that the King should have preferred as his advisers those who had always stood faithful to his interests, in preference to those who had opposed and thwarted his accession ? and were not the Tories as truly a faction as their adversaries ? To have excluded the Whigs under such circumstances from his councils would have indeed been so monstrous, both in honour and policy, that in modern times the censure has generally been transferred to their alleged monopoly of public offices. But, as Mr. Hallam justly observes, the mischiefs of a disunited hybrid ministry had been sufficiently manifest in the two last reigns ; nor could George, a stranger to his people and their constitution, have undertaken without ruin that most difficult task of balancing parties and persons to which the great mind of William had proved unequal. Nor is it true that the Tories, as such, were proscribed ; those who chose to serve the Court met with Court favour, and in the very outset the few men of sufficient eminence who had testified their attachment to the succession, received equitable rewards ; but most happily for himself and the kingdom, most reasonably according to the principles on which alone his throne could rest, the first prince of the house of Brunswick gave a decisive preponderance in his favour to Walpole and Townshend, above Harcourt and Bolingbroke.

1715.]—The new Parliament coincided entirely in the views of the ministry, and in order to strengthen the Government, it was thought necessary to arm the magistrates with additional

George, who became George II. of England, and Sophia Dorothea, married to Frederic William, Elector of Brandenburg, and afterwards King of Prussia. He succeeded to his father's dominions in 1698, and to the crown of England in 1714 by virtue of the terms of the second Act of Settlement ; thus uniting the crowns of England and Hanover, which continued under the same Sovereign until the accession of her present Majesty, Queen Victoria, when, by the salic law, Hanover passed to the Duke of Cumberland as the nearest male heir.

powers, which was done by passing the Riot Act; further to show their disapprobation of the measures of the late administration, the Commons gave orders for an inquiry to be made into the negotiations for the peace of Utrecht and other matters, which resulted in the impeachment of the Lords Bolingbroke, Oxford, and Ormond; but the intention of the Commons being rather to terrify the Jacobite party than to be revenged for former wrongs, the prosecution was not vigorously followed up; Bolingbroke and Ormond were allowed to escape to the Continent, where they were received at the Court of the Pretender, and Oxford was committed to the Tower, but was released two years afterwards, upon his own application to be brought to trial. These examples of severity, however, were insufficient to overawe the leaders of the Jacobite party, and the symptoms of disaffection became every day more manifest. The clergy, especially, fanned the flame of discontent by their political sermons; and the Scots, who were dissatisfied at the Union, ardently joined in the general outcry. Thus encouraged, the heir of the Stuarts determined on a descent in the Highlands, where the Earl of Mar had already assembled an army of 10,000 men; but the death at this time of Louis XIV., and the decisive measures of the English Government, entirely blasted the hopes of the Pretender. His partisans were defeated on the same day (Nov. 13) at Preston in Lancashire, and Sheriffmuir in Scotland, and he himself, landing at Peterhead (Dec. 22) with a retinue of six persons, was only in time to witness the total discomfiture of his party, and, after a delay of several weeks, forced to take shelter on board a French vessel going to Gravelines. Had his English friends been as zealous in his cause as the Scots, the rebellion might have taken a more serious turn; but those who professed the most were ready to sacrifice the least; and the whole brunt of the campaign was left to fall on the Highlanders, who, although they fought bravely, were perfectly inadequate to cope with the powerful resources of England. Even had Scotland possessed her separate nationality there might have been some chance of her maintaining the cause single-handed; but the union of the two countries had broken down the barrier which had formerly existed, and Scotland was now compelled to wait on the fortunes of her more powerful ally. It has been usual to blame the severity of the Government in punishing those who had taken part in the rebellion, as though the conduct of the judges were unprecedented; but when we compare the number of executions, viz., two peers, Lords Kenmure and Derwentwater, and thirty inferior persons, with the massacres which have

usually taken place after such rebellions, we can scarcely designate this "an unwarrantable excess of punishment."*

There seems, observes a judicious writer,† a latent insinuation in those who have argued on the other side, as if the Jacobite rebellion, being founded on an opinion of right, was more excusable than an ordinary treason; a proposition which it would not have been quite safe for the reigning dynasty to acknowledge. Clemency, however, is the standing policy of constitutional governments, as severity is of despotism; and if the ministers of George I. might have extended it to part of the inferior sufferers with safety to their master, they would have done well in sparing him the odium that attends all political punishments.

1716.]—In the midst of this excitement, the time fixed by the Triennial Act for the dissolution of Parliament drew near; but the ministers, fearing the effect of a general election in so unsettled a state of the public mind, determined to bring in a bill for repealing the Triennial Act (passed in 1694), and extending the duration of Parliament to seven years, it being alleged that frequent elections tended to promote party strife, and greatly weakened the efficiency of that branch of the legislature, besides giving occasion to the intrigues of foreign potentates. This measure, known as the Septennial Act, was strenuously opposed by the Tories and the Ultra-liberals in both houses of Parliament, but it was finally carried in the Lords by a majority of 96 to 61, and in the Commons by 264 to 121 (May 7). Lord Somers gave it his unqualified approbation; and notwithstanding all that has been said against it in modern times, it is impossible to deny that it has been the main instrument in securing the preponderance of the House of Commons, by augmenting the efficiency, and guaranteeing the independence of that body alike from Court influence and the unstable prejudices of the multitude. "It is," says Hallam,‡ "by a middle position between an oligarchical senate and a popular assembly that the House of Commons is best preserved both in its dignity and its usefulness, subject indeed to swerve towards either character by that continual variation of forces which act upon the vast machine of our commonwealth, but ever occupying an independent position." Frequent attempts have since been made to return to triennial or even annual parliaments; and it has been argued that the legislature exceeded its trust in breaking in upon the restrictions of the ancient constitution; but

* Tindal, Continuation of Rapin, p. 501.

† Hallam, Const. Hist. ii. p. 395.

‡ Const. Hist. p. 400.

nothing can be more absurd than this assertion, for it should be recollected that the Triennial Act had only been in operation a little more than twenty years; and previously to that, the Parliament had continued for an indefinite period at the will of the sovereign; it was therefore competent for the legislature to repeal that which itself had enacted, and to return, so far as it thought necessary, to the ancient prerogative of the Crown.

The advantages too to be gained by triennial or even annual parliaments are extremely problematic; and it may well be doubted whether the confusion and expense necessarily attending a general election would not, every other circumstance set aside, more than counterbalance any advantages which triennial or annual parliaments may be supposed to possess. A question of still more importance to the constitution was shortly after brought before Parliament by Sunderland, who introduced a bill to limit the House of Lords, after the creation of a very few more, to its actual number of 178, and to give to the Scots twenty-five hereditary, instead of sixteen elective peers. This measure, being so evidently advantageous to the Lords, met with little opposition in that house; but on its being sent down to the Commons, an animated debate took place. Walpole maintained with great eloquence, that while both the other branches of the legislature were restrained by statutes and the nature of the constitution from exceeding their due balance, there were no such direct securities against the ambition, or, what was more likely to prove injurious, the perverse obstinacy of the aristocracy; and as this would be greatly enhanced by a consciousness of their own power, and by a sense of self-importance which every peer would derive from it after the limitation of their numbers, it was to be feared that the Lords might offer a factious opposition to any measure they disapproved, and thus overthrow the due balance of the constitution; whereas by the King retaining in his own hands the power of creating new peers, a wholesome check was placed on any such demonstration of ill-feeling, without materially endangering the stability of the Government; besides, the hopeless exclusion of the landed gentry, and all others except those nobly born, would in a great measure take away the usefulness of that institution, by preventing its honours being looked up to as suitable rewards for eminent public services, which the Crown could dispense to its servants, without materially adding to the burdens of the nation. "The Temple of Fame," as Walpole elegantly expressed it, "was designedly placed by the Romans behind the Temple of Virtue, to denote that there was no coming to the Temple of Fame but through that of Virtue;

but if this bill is passed into a law, one of the most powerful incentives to virtue would be taken away; since there would be no arriving at honour but through the winding-sheet of an old decrepit lord, or the grave of an extinct noble family.”* The Whigs declared themselves convinced, and by a majority of 269 to 177, rejected the measure without further discussion.

The next most important measure of this session was the bill introduced by Mr. Aislalie, Chancellor of the Exchequer, for paying off the public debt. By his scheme it was proposed to reduce all the irredeemable annuities to a redeemable form, and to consign them over to the South-Sea Company, which undertook their payment in consideration of a grant of the *Assiento* (or patent for supplying the Spanish Indies with 4,800 slaves for the space of thirty years), and other privileges which had been conceded by Spain to the English merchants at the peace of Utrecht. By one of those unaccountable manias which so frequently disturb the equilibrium of the money market, the stock of this company instantaneously rose to almost a fabulous value. The shares which at Christmas had been at £126, by the end of August reached £1,000; the stimulus thus given to speculation caused a great variety of other companies to be started on a similar basis, and these were subscribed to with equal avidity, without any investigation as to their prospects of success, or even their objects. The consequence was, that when, four years afterwards (1720), the fraud was discovered, a violent reaction took place, which, almost produced a national bankruptcy. Goldsmiths and bankers who had lent money on the stock stopped payment; thousands saw themselves reduced from comfort to beggary; and only for the judicious policy of Walpole, which restored partial confidence, no estimate can be formed of the evils which might have resulted to the Government and the nation.

1717.]—Meanwhile the principles of religious liberty, naturally so congenial to the proud independence of the English character, and so identified with those of civil freedom, had been gradually gaining ground ever since the Revolution, but more especially since the accession of George I. “For,” as Hallam observes, “the non-juring and high-church clergy produced few eminent men; and lost credit not more by the folly of their notions, than by their general want of scholarship, and disregard of their duties;” while the Dissenters, who were unanimously zealous for the house of Hanover, succeeded in a great measure to the influence they had lost. On the retirement of Walpole from

* Parl. Hist. vii. 589. Coxe’s Walpole, ii. 172.

the ministry in 1717, Lord Stanhope, who succeeded him as premier, brought forward a measure for strengthening the Protestant interest, and obtained the repeal of the Act against Occasional Conformity, the Schism Bill, and the revocation of the restraint on education ; but the Test Act still remained, by reason of the disunion then prevailing among the Whigs. Although the last-named Act still remained in force, a considerable extenuation was made in favour of the Dissenters ; and the Church lost the privilege of holding convocation, which had ceased to be of any practical service, and only tended to augment religious strife.

The last act of this assembly was a fierce attack upon Bishop Hoadley's sermon, which abounded with those principles concerning religious liberty of which he had long been the courageous and powerful assertor, but which contained nothing injurious to the established endowments and privileges, nor to the discipline and government of the English Church, even in theory.* Amongst other great questions which this controversy involved, was that of religious liberty as a civil right, which the convocation explicitly denied ; and that of private judgment in religion, which as one party meant virtually to take away, so the other perhaps unreasonably exaggerated. But these questions were never finally settled ; for the King, fearing the disturbance of the peace which this violent ferment was likely to produce, by the advice of his ministers prorogued the convocation, and it is only within the last few years that it has been allowed to sit again for any business.

The foreign policy of England now became again involved, owing to the unwise purchase by the King, for £150,000, of the secularized bishoprics of Bremen and Verden, which Denmark had taken from Sweden, but which Charles XII. refused to surrender. In order to frustrate the completion of the transfer Charles XII. threatened to cancel the treaty of Utrecht, and planned a descent upon Scotland, in support of the Pretender, who, in conjunction with Spain, was to defray the expenses. The English Government, fearing for the security of the Hanoverian dynasty, entered into a treaty offensive and defensive with France and Holland—hence called the Triple Alliance ; but the death of Charles XII. of Sweden, at the siege of Friedrichsthal, in the year following, put an end to all fear from that quarter.

1718.]—The threatening aspect of Spain, however, under the administration of the ambitious Cardinal Alberoni, delayed

* See Hoadley's Works, ii. pp. 465, 493.

the dissolution of the league, which being now joined by the Emperor, is known in history as the Quadruple Alliance, the object of which was to prevent the reconquest by Spain of the Italian provinces she had surrendered by the treaty of 1713. The first signal of war was the despatch of the English fleet, under Admiral Byng, to the Mediterranean to prevent the reduction of Sicily by the Spanish Admiral, who, refusing to relinquish his enterprise, was attacked by Byng off Cape Pasaron (August 11), and defeated with the loss of 15 ships. In retaliation, the Spaniards seized all British ships and merchandise found in Spanish ports, and fitted out an expedition in aid of the Pretender, who was to excite an insurrection in England; but the fleet which carried the Spanish force of 5,000 men was dispersed in a storm off Cape Finisterre, and only two ships arrived in Scotland, where the Spaniards and Highlanders, numbering about 2,000, were defeated at Glenshiel.

1719.]—Meanwhile the French, under the Duke of Berwick, having entered Spain, seized Fuenterrabia and St. Sebastian, and the English captured Vigo, where they made prize of a vast store of munition and ships. The war being thus energetically sustained, Philip was compelled to sue for peace; and by the treaty of 1720 renounced all claims to the French throne and to the Italian provinces, which he agreed to evacuate within six months.

1722.]—The new ministry, with Walpole and Townshend at its head, pursued a united and vigorous policy, and successfully frustrated a plot of the Jacobites, who, encouraged by the discontent produced by the South-Sea project, had presumed to make an effort in favour of the Pretender. Atterbury, Bishop of Rochester, the Lords Orrery, North, and Grey, were the principal parties implicated; but the evidence, though tolerably conclusive, not proving sufficient for a verdict at law, it was thought expedient to pass a bill of pains and penalties against the bishop and two of his accomplices, the bishop being sentenced to be deprived of his see and banished.* The Habeas Corpus Act was also suspended for a year; and a particular tax of £100,000 was laid upon the real and personal estates of the papists, to defray the expense occasioned by the plot of which they were said to have been the contrivers. "As a vigorous assertion of the State's authority over the Church," says Hallam, "we may commend the policy of Atterbury's deprivation; but perhaps this was ill purchased by a mischievous precedent; it is, however, the last act of a violent nature in any

* State Trials, xvi. 324. Parl. Hist. viii. 195, 203

important matter which can be charged against the English legislature." *

1724.]—Towards the close of this reign, the Commons found it requisite to reassert their supervising power over the administration, and impeached the Lord Chancellor Macclesfield, for selling at exorbitant rates the offices of masters-in-chancery and other abuses in the exercise of his legal functions. He was found guilty and fined in the sum of £30,000.

1725.]—Writhing under the memory of his late defeat, Philip, King of Spain, sought every means to frustrate the objects of the Quadruple Alliance, and at length succeeded in drawing off the Emperor from the interest of the Allies, by confirming to him the provinces ceded by the treaty of Utrecht, and guaranteeing the pragmatic sanction, which provided for the succession of females to the hereditary estates of Austria. Appended to this Treaty of Vienna, as it is called, were certain secret articles, which were supposed to affect injuriously the English interests in the East. A new alliance, offensive and defensive, was accordingly entered into between England, France, Holland, Prussia, and Sweden; and before the year was ended three squadrons were ready to put to sea—one to blockade the galleons in the ports of Spanish America, another to watch the proceedings of the Russians in the Baltic, who had acceded to the Treaty of Vienna, and a third to encounter the Spanish fleet in the Mediterranean.

1727.]—When the Parliament met in the spring, the King explained to the Commons his position with respect to the other Powers of Europe, and requested their sanction and aid, which was liberally granted. They voted 46,000 men, with a land-tax of four shillings in the pound for extraordinary expenses, and authorized the declaration of war with Spain, which had already commenced hostilities by laying siege to the strong fortress of Gibraltar. But Fleury, who was then at the head of the French Government, seeing that the war was likely to embroil the whole of Europe, undertook to mediate an accommodation between the belligerent powers, which he so successfully managed that preliminaries were signed at Paris (May, 1727), and soon after a peace was concluded at Aix-la-Chapelle; but, before the conditions were definitively settled, George I. breathed his last at Osnabrück, being on his way to visit his Hanoverian dominions, on the 11th of June, 1727.

* Hallam, Const. Hist. ii. p. 415.

CHAPTER XXXIV.

GEORGE II.* JUNE 11, 1727—OCTOBER 25, 1760.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XV., 1715-1774. *Germany*—CHARLES VI., 1711-1742; CHARLES VII., 1742-1745; FRANCIS I. and MARIA TERESA, 1745-1765. *Prussia*—FREDERIC WILLIAM I., 1713-1740; FREDERIC II. (THE GREAT), 1740-1786. *Russia*—PETER II., 1727-1730; ANNE, 1730-1740; IVAN, 1740; ELIZABETH, 1741-1762. *Spain*—PHILIP V., 1700-1746; FERDINAND VI., 1746-1759; CHARLES III., 1759-1788. *Popes*—BENEDICT XIII., 1724-1730; CLEMENT XII., 1730-1740; BENEDICT XIV., 1740-1758; CLEMENT XIII., 1758-1769.

1727—Accession of George II.—Conciliatory policy of Walpole—Increased influence of the Dissenters.

1733—Excise scheme—Attempt to repeal the Septennial Act—Schism in the royal family.

1736—Reduction of the army—Causes of the unpopularity of the House of Brunswick—Advantages of a standing army.

1739—War with Spain and capture of Porto Bello.

1740—Anson's expedition against the Spanish settlements in the Pacific—War of the Austrian succession.

1741—Failure of the attempt on Carthage—Fall of the Walpole ministry.

1743—French defeated at Dettingen.

1745—Invasion of England by the Pretender—Apathy of the Jacobite party in England—Battles of Preston-Pans and Culloden—Effects of the rebellion—Abolition of feudalism in Scotland.

1747—Victories of the English navy.

1748—Peace of Aix-la-Chapelle—Coalition ministry of Pelham—Increased responsibility of the cabinet—Attempt to govern without a majority in the Commons—Personal influence of the King in determining the foreign policy.

1756—Seven Years' War—Conquest of the French possessions in America and India.

1757—Convention of Closter-Seven.

1759—Victory of Minden—Destruction of the French navy.

1760—Death of the King—His character.

* George II. was the only son of George I. He was born at Hanover in 1683, and was created Duke of Cambridge in 1706, but never visited England till after his father's accession, so that his education was altogether German. In 1705, he married Caroline Wilhelmina, daughter of John, Margrave of Brandenburg Anspach, by whom he had eight children: Frederic Louis, Prince of Wales, who died in 1751, leaving a numerous issue; William Augustus, Duke of Cumberland; Mary, married to the Landgrave of Hesse-Cassel; Louisa, married to Frederick, King of Denmark; and three other children.

1727.]—The accession of George II. (June 11) brought with it no change of policy, for although the King, when Prince of Wales, had been greatly offended by some unguarded expressions of Walpole, who opposed the augmentation of his pension in Parliament, yet now that he had become King, the evident interests of the Crown and the prudent advice of his Queen, Caroline of Anspach, a woman of very superior attainments, induced him to retain his father's ministers in office, and Walpole continued for nearly fifteen years to be the moving power of Government, during which period England enjoyed unwonted tranquillity, at least so far as its foreign relations were concerned, the only events of importance being the ratification of the Treaty of Seville in 1729, and the adhesion two years later of England to the Treaty of Vienna, at least so far as it guaranteed the settlement of the Emperor's hereditary dominions on his female issue for want of males. But Walpole's domestic administration was not entirely free from blame. For the sake of promoting his own ascendancy in the Cabinet, there can be no doubt that he fostered the rival jealousies between the Whig and Tory parties, and thus impaired the stability of the royal house, which it ought to have been his first care to have strengthened by all constitutional means within his power. His conduct, however, with regard to the Church is deserving of all praise: instead of alienating the Anglican clergy by following the more violent example of the ministry of 1719, he entered into a tacit compromise with the bishops not to support any attempt to abrogate the laws which gave a monopoly of power to the Anglican communion, on condition that they should not offer any obstruction to the passing of the several Acts of Indemnity* which were introduced from time to time to exonerate those who had not duly qualified themselves for the exercise of their civil offices, thus virtually throwing open the gates of office to all Protestant Dissenters without endangering the stability of the Established Church. This extension of religious liberty soon produced its fruits in the establishment of the society of Methodists by John Wesley, some ten years later.

1733.]—The introduction of Walpole's great measure, the Excise Scheme, raised a storm of opposition against the ministry. This much controverted measure was in effect what is now termed the warehousing and bonding system. By it Walpole proposed to remedy the frauds and evasions of duties, which in some instances amounted to two-thirds of the customs chargeable, especially upon tobacco and wines, by bringing them under the

* The first of these Acts was passed in 1727—viz., 1 George II. c. 23.

laws of excise, which were to be so remodelled as to admit these commodities on the payment only of a small duty on being imported, and the remainder when sold for home consumption, but which was to be remitted upon re-exportation. This plan would, as Walpole truly asserted, have "made London a free port, and, by consequence, the market of the world." But political economy was as yet not sufficiently advanced to render these views intelligible to the many, and the opposition without doors was so violent that Walpole was obliged to abandon the measure, although it had met with the approbation of the House. The fact was that, at this time, the parties engaged in the smuggling trade were so numerous and influential that they alone were able to offer a formidable opposition to any salutary measures which might be proposed for the better collecting of the customs; besides, the indefinite dislike of the people to the excise, which had been originally introduced by the parliamentarians in the reign of Charles I., and which, even when equitably collected, could not fail to be invidious, convinced Walpole that, even if the Act were passed, it could not be carried into operation without an armed force, which he wisely refused to employ, saying, that "there would be an end of the liberty of England if supplies were to be raised by the sword." Encouraged by this victory, the Opposition, in the next session, endeavoured to obtain the repeal of the Septennial Act; and Sir William Wyndham, the champion of the Tory party, delivered one of the most eloquent speeches which have been made in Parliament, satirizing the King and his ministers; but Walpole replied with such vigour that he not only caused the bill to be rejected, but compelled the prime mover of it, Bolingbroke, to retire to the Continent. The Opposition, however, succeeded in detaching the Prince of Wales from the side of the Whigs, by assuring him that his allowance of £60,000 a year was too little, and that they would procure for him an augmentation of £40,000; but the King taking part with the ministers the vote was rejected, and thus sprang up a permanent schism in the Court, which had a considerable influence on the position of political parties at a later period.

1736.]—The long continuance of peace had rendered a large standing army scarcely requisite for the defence of the country from foreign invasion, and the Commons would not for an instant admit that it was necessary for the defence of the Government at home; the vote, therefore, of 17,000 men in addition to the Irish army, which Walpole demanded, was strenuously opposed. Mr. Pulteney,* a moderate member of

* Parl. Hist. viii. p. 904.

the Opposition, truly expressed the public opinion when he said: "The army are a body of men distinct from the body of the people; they are governed by different laws; blind obedience and an entire submission to the orders of their commanding officer is their only principle. The nations around us are already enslaved, and have been enslaved by those very means; by means of their standing armies they have every one lost their liberties; it is indeed impossible that the liberties of the people can be preserved in any country where a numerous standing army is kept up." Although these fears of the Commons were probably exaggerated—for it cannot be seriously entertained that, at any time since the Revolution, the Speaker had been in danger of being pulled out of his chair by the army,—yet the undoubted tendency of the Government since the Revolution was to strengthen itself by means of a standing army; and several circumstances had recently conspired to render the nation peculiarly sensitive of military control. During the riots at Edinburgh in 1736, occasioned by the execution of Wilson for assisting the escape of his fellow-prisoner Robinson, the soldiers had shown themselves extremely vindictive. Without waiting for the reading of the Riot Act, Captain Porteous, in command of the guard, fired upon the unarmed people, killing and wounding several persons, for which he was tried before the high court of justiciary, and found guilty of murder; but the sentence was distasteful to the Government, and the delinquent would certainly have escaped, had not the people of Edinburgh, under leaders of superior station, forced their way into the Tolbooth prison, having first disarmed the city guard, and carried out the sentence of the court by hanging Porteous on a dyer's pole in the absence of gallows.*

It was this military predilection of the Court which, more than any other cause, alienated the affections of the people from the sovereigns of the house of Brunswick—who, be it observed, were more unpopular than either their faults or their prejudices merited.

"Jacobitism," says Hallam,† "in the great majority, was one modification of the spirit of liberty burning strongly in the nation at this period. It gave a rallying point to that indefinite discontent which is excited by an ill opinion of rulers, and to that disinterested though ignorant patriotism which boils up in youthful minds. The Government in possession was

* This story, which is told by Sir Walter Scott in "The Heart of Mid-Lothian," one of his most delightful novels, reveals only too clearly the instinctive dread of the people to the interference of the army.

† Hallam, Const. Hist. ii. p. 419.

hated, not as usurped, but as corrupt; the banished line was demanded, not so much because it was legitimate, but because it was the fancied means of redressing grievances and regenerating the constitution." It is almost certain that, if either the Pretender or his son had embraced the Protestant religion, and had also manifested any superior strength of mind, the German prejudices of the reigning family would have cost them the throne, as they did the people's affections.

The possession, however, of a standing army had its advantages as well as its dangers. The influence which England exercised in the confederation of European states was greatly advanced, and we were freed from those humiliating terrors of invasion which had so often thrown the kingdom into consternation and interrupted the whole course of industry.

1739.]—The long period of peace which had marked the administration of Walpole was at length terminated by the breaking out of war with Spain, on the question of the right of search which the Spanish Government had instituted with regard to English vessels visiting the Spanish Indies. The first event of the war was the capture of Porto Bello by Admiral Vernon, which was followed up the next year (1740) by an expedition to the South Seas, under Commodore Anson, which at first proved disastrous owing to the storms encountered off Cape Horn, but finally triumphed through the happy combination of skill, intrepidity, and prudence of its commander, who returned in June, 1744, with a rich booty, valued at near 2,000,000 dollars, having circumnavigated the globe. Another expedition under Vernon sailed in 1741 to the West Indies, consisting of 115 ships, manned by 15,000 sailors, and carrying a land force of 12,000 men. Its object was the surprise of Carthagena, then the strongest fortified port in Spanish America; but owing, as is said, to a want of unanimity in the councils of the officers in command, the attempt entirely failed with the loss of many thousand English soldiers, who perished bravely in an attempt to storm the fortifications. With their military force reduced to 3,000 men, Vernon and Wentworth essayed to take Santiago-de-Cuba, but it proved equally impregnable. The fate which ordinarily awaits an English minister who may be so unfortunate as to be in power at the time of a foreign disaster, now overtook Walpole, who was succeeded in the ministry by Lords Wilmington and Carteret, and narrowly escaped impeachment on the charge of having distributed large sums of money among the Commons out of the secret service votes; but as this was unfortunately the too ordinary practice of ministers both before and after his time, the charge was let drop, and the new ministers

soon became involved in a desperate European contest springing out of the rival claims to the Austrian succession on the death of Charles VI. The English Government supported the title of Maria Theresa, but Spain, Prussia, France, Bavaria, and Saxony, all joined against her. The French marched an army towards Hanover to compel the neutrality of England, but George was supported by the Parliament, which voted a subsidy of £500,000 and a supply of £5,000,000 per annum for carrying on the war. Finding the affairs of the Allies becoming desperate under the bad generalship of Stain, the King and his son the Duke of Cumberland set out in person to the Continent, and by a brilliant stratagem rescued the army, which had been shut up in the valley of the Mayn by the French marshal, and gained the glorious victory of Dettingen (June 27, 1743). The conduct of the King in this engagement has been universally lauded by historians; it was undoubtedly through his personal courage and that of his son, far more than through the skill of any of his generals, that the day was won, which saved the English army from an ignominious surrender. In order to divert the attention of England from Continental affairs, France prepared a formidable army of at least 15,000 men, under Marshal Saxe, for the support of the Pretender Prince Charles, who was expected to land in Kent; but the fleet which convoyed this armament was dispersed in a storm off Dungeness, and many of the transports laden with troops were cast away, and others destroyed by the English fleet, under Admiral Norris, so that the remainder were glad to effect their escape back to France. Although disheartened by the loss of the French contingent, Prince Charles refused to give up the enterprise, and the next year (1745), embarking on board two solitary ships, with only a few personal followers and some arms, he landed in the Western Islands, where he induced some of the Highland chieftains to espouse his cause; and crossing over to the main-land, set up his standard at Glenfinnan (August 19, 1745). After adroitly evading the royal army, under General Cope, the Pretender marched southward, and proclaiming his father at Perth, entered Edinburgh in triumph, whilst the royal dragoons distinguished themselves by an ignominious flight after a slight skirmish at Colt Bridge. The friends of the Stuarts began to assemble round his standard, which was again victorious at Preston-Pans, where Cope's army was routed on the 21st September, and the general himself with the dragoons fled to Berwick, leaving Charles in undisputed possession of the whole of Scotland. Having remained a few weeks in Edinburgh to recruit his forces, and arrange for the government of the country in his absence, Charles entered



RAISING THE STANDARD. (p. 508.)



England with 5,000 men, and took Carlisle after a siege of three days. The English Government, taken by surprise, had no forces in readiness to oppose the victorious march of the Pretender, who entered Manchester on the 29th of November, and Derby on the 4th December; but failing to receive support from France, and no sympathetic movement having been made in England by the Jacobites and high Tories, as had been expected, on the 6th of the same month the Prince, with a sullen countenance, determined to retrace his steps, in order to avoid being crushed by the overwhelming forces which, under the Duke of Cumberland and General Wade, were now advancing by different routes to intercept his small force. This retreat was managed with such discipline and courage, that when a division of the royal army ventured to attack him near Penrith, the assailants were beaten off, and the Scots army re-crossed the border on the 20th December. Having entered Glasgow, the Prince imposed a fine of £2,000 on that city, and presently laid siege to Stirling. On hearing this, General Hawley, who now held the command in Scotland, marched to its relief with 8,000 men, and thought to have easily overwhelmed the besiegers—who, perceiving the carelessness of the enemy, suddenly withdrew from before the town and attacked the royal forces in their own encampment at Falkirk, which was carried with great bravery (January 17, 1746). In the following spring, the Duke of Cumberland again took the field and gained the victory of Culloden (April 16), which extinguished for ever the hopes of the Stuarts. What might have been the consequence to England had the Pretender marched direct on London after the victory of Preston-Pans, before the King had had time to recall his troops from the Continent, it may be difficult to conjecture; but I think there can be little doubt in the minds of those who have studied the records of those times that the ultimate defeat of the Pretender must have been inevitable,* although it might have been more glorious to have been vanquished on Finchley Common than at Culloden.

During the whole summer, from April 16, the day of his defeat at Culloden, till September 20, Prince Charles was a fugitive in the Highlands, and notwithstanding the enormous reward of £30,000 offered by the English Government for his apprehension, and the number of persons necessarily entrusted with the whereabouts of his retreat, the secret was faithfully kept, and he eventually escaped to the Continent. Of his followers above fifty suffered death, including the Lords Kilmarnock, Balmerino,

* Lord Mahon seems to incline to the opinion of Charles Edward's probable success, but Mr. Hallam is of the contrary opinion.

and Lovat: many others were transported, and no Highlander was suffered to have arms in his possession after August 1st, under severe penalties, or to wear the Highland dress, which was made transportation for the second offence.

Although the immediate result of this rebellion was the devastation of a considerable portion of the Highlands by the troops of Cumberland, who behaved with unnecessary severity and barbarity, yet the ultimate effect was eminently advantageous to both England and Scotland. In the former country it convinced all parties of the hopelessness of endeavouring to effect a change of dynasty, and induced the King to consent to the establishment of a local militia, thus securing the country from any danger which might be supposed to arise from the presence of a standing army;* whilst in the latter it produced the reformation of justice, the opening up of the country by means of roads and canals, and the reduction of the whole country to one uniform mode of government. The power of judging and punishing the members of their clans was, after this rebellion, taken away from the Highland chieftains, and both lords and vassals were rendered amenable to the general laws of the kingdom. The hereditary sheriffships, too, were abolished, and the appointment to those offices vested in the Crown; so that the last remains of the feudal system were finally abolished in Britain.

While the attention of the nation was occupied with domestic concerns, the war on the Continent was permitted to languish, and the battle of Fontenoy laid the Low Countries at the feet of Louis. Fontenoy, Ghent, Bruges, Ostend, and other towns surrendered; and in the East Indies the English arms were equally unsuccessful. The French gained a victory at sea; and Admiral Labourdonnaye succeeded in planting his victorious standard on the walls of Madras, where he captured booty to the value of £640,000. In the following year the allies were thoroughly beaten at Lauffeld, and the strong fortress of Bergen-op-Zoom having surrendered, the French became masters of the navigation of the Scheldt. But these losses were, in a great measure, retrieved by the successes of the English navy, which nobly sustained its reputation at sea. Admirals Anson and Warren engaged the squadron of M. De la Jonquière, and took, after a gallant action, all the ships of the enemy. Admiral Hawke likewise defeated the French Admiral De l'Etendeur, and took six ships of the line. But both parties

* Lord Hardwick threw out the Militia Bill in 1756, thinking some of its clauses too republican, and, in fact, being adverse to the scheme; but it was again introduced and passed in the year following, 1757.—*Parl. Hist.* xx. p. 704; *Walpole's Memoirs*, ii. p. 15.

having at length become weary of the war, a general peace was concluded at Aix-la-Chapelle (1748), by which England and France agreed mutually to surrender their conquests, and Austria resigned Silicia to Prussia. Seven years of tranquillity followed under the administration of the coalition ministry of Pelham, called, from its being composed of the leading men of all parties, the "broad-bottom administration," amongst whom was William Pitt, who for the first time accepted office as Paymaster of the Forces.*

1755.]—The formation of the ministry at this period had become a matter of serious importance to the peace and prosperity of the kingdom; for, as the personal authority of the sovereign diminished, the administration of Government fell more immediately under the direction of his ministers, who consequently became answerable for the acts of Government, not only individually, but collectively; so that the administration formed, as it were, a separate power, independent alike of the Parliament and the Crown, but relying on either for its support. "It had been usual," says Hallam,† "before the Revolution, and in the two succeeding reigns, to select ministers individually at discretion; and though some might hold themselves at liberty to decline office, it was by no means deemed a point of honour and fidelity to do so. Hence men in the possession of high posts had no strong bond of union, and frequently took opposite sides on public measures of no light moment. But after the accession of the Hanoverian dynasty, the overwhelming influence acquired by the Whigs enabled them to form, as it were, a permanent junto, sufficiently strong to resist even the will of the King in the choice of his ministers; so that, in future, it became a point of honour among public men to fight uniformly under the same banner, though not, perhaps, for the same cause—if, indeed, there was any cause really fought for but the advancement of a party." In this preference of certain denominations, or of certain leaders, to the real principles which ought to be the basis of political consistency, there was an evident deviation from the true standard of public virtue; but the ignominy attaching to the dereliction of friends, for the sake of emolument, though it was every day incurred,

* During this administration the Act was passed for the adoption of the Gregorian Calendar, by which the year was made to commence on the 1st of January, and the 2nd of September, 1752, was ordered to be reckoned as the 14th; thus obviating the error which had for several centuries been increasing, till at length Easter Day was near a fortnight later than its proper solar time.

† Const. Hist. ii. p. 456.

must have tended gradually to purify the general character of Parliament. Meanwhile the Crown lost all that party attachments gained ; a truth indisputable on reflection, though while the Crown and the party in power act in the same direction, the relative efficiency of the two forces is not immediately estimated. It was seen, however, very clearly, during the curious changes which at this time took place in the ministry, that the practice if not the theory of the constitution was considerably altered, to the detriment of the Crown. When in November (1756) the address was moved in reply to the King's speech, Mr. Pitt and Mr. Legge, though both in office, opposed it, on the ground that the expensive war which had been entered into for the defence of Hanover was contrary to the interests of England. The address was carried, and the factious ministers were obliged to resign their posts ; but this was only for a few months, for the King, having in vain endeavoured to form a ministry possessing the confidence of the country without their services, was obliged to reinstate them, and in the following November (1757) Pitt returned triumphant to office as principal Secretary of State ; the Duke of Newcastle being First Lord of the Treasury, and Mr. Legge Chancellor of the Exchequer. The personal influence of the sovereign, however, although not sufficient to maintain an unpopular ministry in power, was yet so far efficacious as to thwart every attempt of the ministers to direct the foreign policy in opposition to his wishes, and Pitt was again compelled to resign, but only to be again reinstated. Before the year was closed, petitions poured in from all parts of the country, and the national feeling became so unmistakably expressed, that the King thought it wisest to relent, stipulating only that the ministers should support the interests of his Hanoverian possessions so far as their duty to their country would permit them. All opposition in Parliament was now at an end, and the attention of Government was entirely devoted to the prosecution of the war which had recommenced with France, by reason of encroachments in America which had excited the fears of the colonists, who saw themselves surrounded on all sides by the French plantations. The beginning of the war had not been favourable to the English either in America or Europe, although the Commons voted an abundant supply for its vigorous prosecution. The expedition to Rochefort was a complete failure, and the campaign in Germany closed by the surrender of the Duke of Cumberland, with an army of 40,000, at Closter-Seven, without fighting a battle, a catastrophe unprecedented in English history. But a brighter day was at hand. In the following year (1758) an expedition commanded by the Duke of

Marlborough and General Bligh, destroyed St. Malo and the fortified harbour of Cherbourg, while Admiral Boscawen and General Amherst took the islands of Cape Breton and St. John (now Prince Edward's), in America; and another expedition to the coast of Africa deprived the French of their important mercantile stations of Senegal and Goree. The success of the English arms, too, in the East Indies was equally encouraging. There Clive defeated the French at all points and won the important battle of Plassey, which established the English dominion in India and nobly revenged the atrocities of the Black Hole at Calcutta. The next year (1759) was one of the most brilliant in the naval and military annals of England. Admiral Rodney bombarded Havre, Boscawen defeated the Admiral De la Clue, in the Mediterranean, and the English privateers swept the seas of nearly all the French merchantmen, so that it was with great difficulty that they maintained an intercourse with their possessions in America, which were now threatened with a double invasion on the side of the English colonies and by the river St. Lawrence. General Johnson reduced Fort Niagara, the most important station in French America, as it overawed the Indians of the Six Nations, and secured the navigation of the great lakes, while at the same time it commanded the communication between Canada and Louisiana, and opened a passage into the British territories.

Meanwhile General Wolfe, with a force of about 8,000 men, and a fleet of 42 sail, including frigates, sailed up the St. Lawrence, and landed a short distance from Quebec, where, after a bold manœuvre, by which he gained possession of the heights commanding the city, he forced Montcalm to hazard a battle (Sept. 13). In the action both the generals were mortally wounded. Wolfe, as he lay expiring, hearing the cry of "They fly, they fly!" asked, "Who fly?" On being told the French, "Then," said he, "I depart content," and expired. Quebec capitulated, and in the following year, four days after the battle, Montreal was taken, and the whole of Canada reduced. Equal success attended the English arms in Germany, where the great battle of Minden was gained by the Allies, while the destruction of Admiral De Conflans' fleet in Quiberon Bay completely annihilated the maritime power of France, But George II. was not fated to see the termination of the Seven Years' War, which had been so gloriously begun; he was seized with a fit of apoplexy, and expired on the 25th of October, 1760, in the 77th year of his age. His character in reference to his constitutional position is thus delicately drawn by a contemporary historian and statesman: "He has more know-

ledge of foreign affairs than most of his ministers, and has good general notions of the constitution, strength, and interests of this country ; but, being past thirty when the Hanover succession took place, and having since experienced the violence of party, the injustice of popular clamour, the corruption of parliaments, and the selfish motives of pretended patriots, it is not surprising that he should have contracted some prejudices in favour of those governments where the royal authority is under less restraint. Yet prudence has so far prevailed over these prejudices, that they have never influenced his conduct. On the contrary, many laws have been enacted in favour of public liberty ; and in the course of a long reign there has not been a single attempt to extend the prerogative of the Crown beyond its proper limit. He has as much personal bravery as any man, though his political courage seems somewhat problematical : however, it is a fault on the right side ; for, had he always been as firm and undaunted in the closet as he showed himself at Oudenarde and Dettingen, he might not have proved quite so good a king in this limited monarchy." *

* H. Walpole's *Memoirs of the Last Ten Years*. See Lord Waldegrave's *Memoirs*, p. 5, written in 1757.

CHAPTER XXXV.

GEORGE III. 1760-1820.

PERIOD I.

FROM THE ACCESSION OF GEORGE III. TO THE CONCLUSION
OF THE WAR OF AMERICAN INDEPENDENCE. A.D. 1760-
1783.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XV., 1715-1774; LOUIS XVI., 1774-1792. *Germany*
—FRANCIS I. and MARIA TERESA, 1745-1765; JOSEPH II., 1765-1790.
Spain—CHARLES III., 1759-1788. *Russia*—ELIZABETH, 1741-1762;
PETER III., 1762; CATHARINE II., 1762-1796. *Prussia*—FREDERIC II.
(THE GREAT), 1740-1786. *Popes*—CLEMENT XIII., 1758-1769; CLEMENT
XIV., 1769-1775; PIUS VI., 1775-1800.

1760—Causes of the increased power of the executive on the accession of
George III.—Dissensions amongst the Whigs—Continuance of the war
with France.

1761—Extension of the commissions of the judges—Overthrow of the
French power in India.

1762—War with Spain—Lord Bute's administration—Conquest of
Havannah and Manilla.

1763—Treaty of Fontainebleau—Territorial aggrandizement of England
in America, India, and Africa—Effect of the acquisition of Canada on
the English colonies—Pacification of Europe—Fall of Lord Bute's
administration—Jealousy of the Scots—Endeavour of the King to effect
a complete amalgamation of the two countries—Influence of the press
—John Wilkes—Question of privilege—Illegality of general warrants
—Grenville's administration.

1764—Dispute with the American colonies.

1765—American Stamp Act—Changes in the ministry.

1766—Repeal of the American Stamp Act—The Earl of Chatham's
administration.

1767—Tea duty and other imposts imposed on the American colonies.

1768—Administration of the Duke of Grafton.

1770—Opposition of the King to the Whigs—Lord North succeeds in
forming a ministry—Repeal of American taxes, except the tea duty.

1774—Declaration of rights at Philadelphia.

1775—American War of Independence.

1776—Declaration of Independence.

1778—The United States acknowledged by France.

1779—Spain besieges Gibraltar.

1780—Confederacy of France, Spain, Holland, and America against
England—Armed neutrality.

1781—Triumphs of the English navy—Disasters in America.

1782—Difficulty of forming an administration—Personal influence of the
sovereign—Coalition ministry.

1783—Acknowledgment of the Independence of the United States—General peace—Effect of the American war on the after history of France.

1760.]—The auspices under which George III.* ascended the throne were especially encouraging. The fame of the nation had never stood so high before, all danger from intestine commotion had ceased, and the spirit of Jacobitism was almost totally extinct. The King himself was young and energetic, remarkably affable and polished in his manners, and possessing the entire confidence of the nation; for, as he had never been out of England, his predilections were not at all German. But there were other circumstances, which, combined with the personal dispositions of the King, led to the strenuous assertion in this reign of the prerogatives of the executive against the interference and control of the aristocracy and the Parliament.† From the date of the Revolution up to the accession of George III., the independent authority of the Crown can scarcely be said to have had any practical force—scarcely, indeed, to have had any existence. The Government of the country was essentially parliamentary. It was part of the compact with William III. A foreign dynasty had been established, and the people naturally looked to their native rulers for the protection of their domestic interests against the possible preponderance of extrinsic sympathies in the reigning sovereign. Under William III. the claim of the United Provinces upon the special regard of the sovereign was the object of national jealousy, and when the House of Brunswick ascended the throne, popular vigilance was transferred

* George III., eldest son of Frederic Prince of Wales, was born in 1738; and on the death of his father, which took place suddenly in 1751, he was created Prince of Wales and Earl of Chester. In 1761, he married Charlotte Sophia, the daughter of Charles Frederic, Prince of Mecklenburg-Strelitz, by whom he had George Augustus Frederic, Prince of Wales, afterwards George IV.; Frederic, Duke of York; William Henry, Duke of Clarence, afterwards William IV.; Charlotte Augusta Matilda, married Frederic, King of Wurtemberg; Edward, Duke of Kent, father of Her Most Gracious Majesty Queen Victoria; Augusta Sophia Elizabeth, married Frederic, Landgrave of Hesse-Homburg; Ernest Augustus, Duke of Cumberland, who succeeded to the throne of Hanover in 1837; Augustus Frederic, Duke of Sussex; Adolphus Frederic, Duke of Cambridge; Mary, married her cousin, William, Duke of Gloucester; Sophia; Octavius and Alfred, who both died young; and Amelia. The King's health had early manifested a predisposition to insanity, and in 1810 he became seriously afflicted, so as to be incapacitated from taking any part in the Government. The Prince of Wales was therefore made Regent, with almost sovereign powers, and administered the Government in the King's name till 29th January, 1820, on which day the King died at Windsor Castle.

† "Memoirs of the Court and Cabinets of George III.," by the Duke of Buckingham and Chandos, vol. i. p. 8.

to Hanover. The first two princes of that House who ruled in England scarcely spoke our language, and were so ignorant of our constitution and our customs, that they could not be admitted with safety to an active participation in the Government. The Whigs, who had brought about these changes, preserved in their own hands the entire authority of the State. The sovereign was merely the motionless representative of the monarchical principle. But George III. was not an alien—born in the country, educated in its language and its usages, and inspired by an ardent devotion to Protestantism, he entered life under auspices that attracted at once towards the Crown an amount of popularity which it had never enjoyed under his predecessors. The qualities and dispositions of the King were favourable to the cultivation of these opportunities. Without being profoundly versed in the philosophy of character, he possessed a remarkable aptitude in the discrimination of persons suited to his purposes. He had considerable skill (to which Lord Shelburne bears special testimony) in extracting the opinions of others and turning the results to account. If his mind was not vigorous and original, it was active and adaptive, inquisitive and watchful. If his judgment was not always sound, his convictions were strong, and the tenacity of his resolution commanded submission. An accomplished linguist, fond of business and having some talent as a writer, which enabled him to express his meaning with facility and clearness, he was well qualified to avail himself of the political accidents which contributed to revive and strengthen the royal prerogative.*

The Whigs themselves helped mainly to bring about this struggle between the Crown and the Parliament, or rather between the Crown and the “great families,” to use Mr. Canning’s phrase, who had hitherto absorbed the power and patronage of the State. United in principle, they were divided by personal jealousies. The long possession of office had given a sort of impunity to their pretensions, and believing that they held a perpetual tenure of power, they were weak enough, at every new ministerial change, to contend amongst themselves for the prizes. These internal dissensions weakened and scattered them, and prepared the way for those experiments which were made, during the early years of George III., to conduct the Government without their aid.

On the 18th of November (1760) the young King met his Parliament for the first time, and delivered a popular speech, in

* This sketch of George III.’s character is taken from the Duke of Buckingham’s Memoirs.

which he complimented the ministry on the success with which they had conducted the war, and assured the Commons that the civil and religious rights of his loving subjects were equally dear to him with the most valued prerogatives of his Crown, but no allusion was made to peace or negotiation, and he recommended a continuation of the war until England should be in a position to dictate terms of peace, and preserve the conquests she had gained.

1761.]—These views were cordially participated in by the Commons, who, although the national debt had risen to the enormous sum of £100,000,000, voted a liberal supply, and fixed the civil list at £800,000 a year—the King allowing Parliament to regulate the hereditary revenues of the Crown. Towards the close of the session, on the 3rd of March, his Majesty, in a speech from the throne, recommended an important improvement. By an Act passed in the year 1701, during the reign of William III., the commissions of the judges were continued *quamdiu bene se gesserit*, or the power of displacing them was taken from the Crown, and their continuance in their important offices was made dependent solely on their own good conduct; but at the demise of the Crown their offices determined and became vacant by law. The King now declared his wish to render the bench still more independent, and the administration of justice still more impartial; and he recommended that provision should be made to continue their commissions and their salaries without any reference to the death of one king or the accession of another. A bill was immediately framed for this purpose and carried through both Houses; it received the royal assent on the 19th of March, when his Majesty put an end to the session; and, two days later, issued his proclamation dissolving the Parliament in accordance with the ancient rule that that assembly could not exercise its functions for longer than six months after the demise of the Crown—a rule which, being of no practical advantage, and often an embarrassment to the Government, has recently been altered by the Reform Act of 1867.

But Pitt could not help perceiving that he did not possess his Majesty's confidence, although, for obvious reasons, he was still continued in office. Meanwhile success continued to attend the English arms abroad. Dominica was captured in the West Indies; Belleisle, on the coast of Brittany, taken; and the fall of Pondicherry, in the East, destroyed the power of the French in India, as the conquest of Quebec and Montreal, two years before, had ruined their colonies in America. In this favourable posture the English ministry listened to propositions

for peace from Louis, and plenipotentiaries were named to settle the conditions of an agreement; but as France was still in hopes of recovering her losses, her demands were not sufficiently humble; and Pitt, who continued at the head of the ministry, soon discovered that she had availed herself of the cessation of arms to negotiate a strict alliance with Spain, called the "Family Compact," by which the Bourbons of the two kingdoms sought to strengthen their family interests. It was Pitt's advice to anticipate the designs of Spain by a prompt declaration of war, which would secure the capture of the Plate fleet, and prevent the junction of the Spanish forces with those of France; but the majority of the council were not so sure of the hostile designs of his Catholic Majesty, and weighing the advantages which we derived from the Spanish trade against the danger and expense of a war, they recommended the rejection of the plan. This counsel was approved by the King; and the haughty minister, impatient of contradiction, tendered his resignation, which was accepted, and Lord Bute was entrusted with the formation of a new cabinet.

1762.]—But experience soon showed that the veteran statesman was right in his surmises of the hostile intentions of Spain; and on the 4th of January, 1762, war was formally declared against that power, which in a short time lost Havannah and Manilla, together with the greater part of their fleet captured or burned, besides an almost incalculable amount of treasure taken by the English. It was this certainty of most abundant prize-money, and the tales of dollars and doubloons, which were handed down from father to son like traditional myths amongst our nautical population, that always rendered a war with Spain so popular in our navy; while on the other hand it was the knowledge of these disasters and the sad recollection of past losses that rendered a war with England so unpopular with the Spanish people, and gave origin to their constant cry,—“Peace with England, and war with all the World.”

Nor were the French more successful; in the West Indies they were deprived of Martinique, Grenada, St. Lucia, Tobago, and St. Vincent; and their attempt to compel the King of Portugal to join the coalition proved an utter failure.

In the midst of these triumphs it was no easy matter to persuade the English people to think of peace. The mercantile classes especially clamoured for the continuance of the war, by which they were great gainers; and even the landed proprietors looked on it with complacence, as it greatly augmented the value of agricultural produce. The ministry, however, were not so dazzled; they saw that all the objects for which the war

had been commenced were now attained. The pride of the House of Bourbon had been humbled, the integrity of Hanover secured, and the commerce of the whole world opened to the English merchants; at the same time that the expense to England had been and would be enormous, so long as the war lasted. The cabinet, therefore, readily listened to the propositions for peace, which were made through the intervention of the neutral King of Sardinia; and plenipotentiaries being appointed on either side, the negotiations proceeded so rapidly that preliminaries for peace were signed at Fontainebleau on the 3rd of November (1762); the negotiators leaving the affairs of Germany to be settled separately by Frederic the Great of Prussia and the Empress of Austria. When, however, the articles were submitted to Parliament, they were violently opposed by Mr. Pitt and his party, who denounced the whole tenor of the treaty as derogatory to the honour of England, unsafe, impolitic, and unsound; but after a warm discussion, in which most of the eloquent statesmen of the time took part, they were finally approved by a large majority in both Houses, and the treaty was signed at Paris, February 10th, 1763.

1763.]—By this treaty, France formally ceded to England Canada, with all its dependencies, together with Cape Breton, Nova Scotia, part of Louisiana, and all her other possessions in America; stipulating only that the French Roman Catholics of Canada should enjoy the right of exercising their religion under their English rulers, and that such of them as chose should be at liberty to quit the country within a limited time. In the West Indies she resigned Dominica, St. Vincent, Tobago, and Grenada, but received back Guadaloupe, Martinico, and St. Lucia. In Africa, she gave up Senegal and its dependencies, but recovered Goree; in the East Indies she agreed to recognise the authority of the native rulers whom the English had set up, and to hold her settlements merely as dépôts and places of trade. In the Mediterranean, England received back Minorca in exchange for Belleisle, and stipulated for the dismantling of the fortifications of Dunkirk, which for more than a century had been a continual annoyance to her. In order to recover Havanna and the Philippine Isles, Spain ceded to England the two Floridas, together with all the countries east and south of the Mississippi—a most important cession, as it left the North American colonies rounded and secured from the interference of foreign states. The immediate consequence of this extension of boundary was a great development of the internal resources of the colonies and a great extension of the colonial trade; but the ultimate tendency was undoubtedly to accelerate the Decla-

ration of Independence, by rendering those colonies less dependent on the mother country for aid. England restored all her other conquests, and commercial communications were immediately resumed with France and Spain, Germany alone still holding aloof from the general peace; but the minor states having signed a declaration of neutrality, Austria and Prussia were compelled to compound their differences, and the Treaty of Hubertsburg was signed February 15th, 1763, thus putting an end to the famed Seven Years' War, which had cost some millions of human lives, devastated no inconsiderable part of Europe, and added £75,000,000 to the national debt of Great Britain.

If, indeed, any of the belligerent powers were gainers by the war, it was undoubtedly Great Britain; but a reasonable doubt may well be entertained, whether even her acquisitions were worth the price paid for them. Mr. Pitt, who was perhaps the ablest politician of his day (although possessing too violent a lust for war), declared the peace of Fontainebleau to have entirely failed in securing that which England had a right to expect; and in this opinion he was supported by a great majority of his contemporaries. Posterity, however, viewing circumstances from a more extended point of view, has almost unanimously come to the conclusion, that the treaty of Fontainebleau was the most honourable peace that England has ever concluded; and eminently advantageous, as it secured to her that which alone was worth her possessing—the monopoly of the commerce of the world.

It was, however, in vain that Lord Bute endeavoured to defend the stipulations of the treaty, on the score of expediency. The popular indignation continued to increase, and he was openly accused by the press of having touched French gold, and of being in a conspiracy with the princess dowager to preclude all access to the King. His tenure of office therefore was precarious, and when his bill for imposing a tax upon cider was introduced into Parliament, it raised such a storm of indignation as had not been witnessed since Sir Robert Walpole's Excise Bill of 1733, and caused the resignation of ministers. The real cause, however, of the popular hatred of this minister was undoubtedly his Scottish birth and national predilections. All Englishmen, and Scotchmen too, will now agree with Mr. Pitt, that national reflections are detestable; but they were not so considered in 1762, when even men like Dr. Johnson, of the highest moral and social bearing, who are unaccustomed to be moved from their equilibrium by the storms of faction, were irresistibly led into the bitterest moods of sarcasm. Neither is

this altogether inexplicable ; the English people had submitted to two revolutions that they might get rid of the House of Stuart, whilst the Scots had clung to the fallen family with a pertinacity that does honour to their generous sympathies, though very little to their judgment. Twice afterwards had the English been challenged to the field, and been compelled to do battle for the House of Brunswick ; twice had the nation been thrown into confusion by the Scots, and their attempts to restore the fallen family. The English, therefore, could not look on the Scots with indifference. The governments of 1715 and 1745 had appealed to and aroused this nationality, and when George III. proposed to put an end to these divisions—to unite all parties—it was not to be expected that the people should comprehend and sympathise with him in a moment, and interpret every act of his Government as if it were abstract, isolated, and irrespective of the past. When, therefore, in opening his first Parliament, the King called himself “a Briton,” instead of “an Englishman,” the latter being the only phrase with which the people were familiar ; when they saw the cabinet taken possession of, not by their old leaders, but by an unknown Scotch lord (Bute), with no claim or pretence but the fact that he was the favourite minion of the court ; when they saw their old idol, Chatham himself, in the very height of his and the nation’s triumphs, forced to retire, and Temple, another popular man, to retire with him, it is not to be wondered at that the people translated “Briton” into “Scotchman.” They saw the representatives of the great Revolution families dismissed from lord-lieutenancies, and others throw up the same in disgust,—the Dukes of Devonshire, Newcastle, and Grafton, the Marquis of Rockingham, and Earl Temple. They saw notorious Jacobites welcomed at court, and appointed to office. They saw that the humblest as well as the highest, who had been connected with the Whig party, were removed even down to doorkeepers and housekeepers ; every gazette was filled with unpronounceable names ; in one gazette, out of sixteen promotions, eleven were given to Stuarts, and four to Mackenzies ; and seeing these things, it is not very extraordinary that living men, who had suffered in two rebellions, or their sons to whom the tradition was familiar, should believe the Scots to be the “fatal race” represented—

“Whom first our greatness to oppose,
God in his vengeance marked for foes ;
Then more to work his wrathful ends,
And more to curse us, mark’d for friends.”

Yet this was, perhaps, one of the brightest of George III.’s

deeds. The House of Stuart had failed, and he wished the whole of his kingdoms to be united in friendship and good feeling; the Scots had to be held either as friends or foes, and to this end, either the hand of friendship must be offered, or the stronger rule. The former plan was certainly to be preferred, and to effect it the King sacrificed his popularity, and fronted the stern aspect of an offended people; but his exertions were well rewarded, for instead of the Scots being alienated from the reigning family, they became his most faithful subjects, and the good understanding which was then induced, has never since been seriously interrupted.

The influence which the periodical press, emphatically called the fourth estate, at this time began to exercise over the formation of public opinion, and, consequently, indirectly over the measures of Parliament, requires some observations. Ever since the reign of William III., England may be said to have possessed a free press, for since that time there has been no supervision of the matter before publication, but the author and publisher have alone been held responsible for any blasphemous or seditious sentiments which their writings might contain, and were amenable to prosecution for libel; but it was not until the commencement of the reign of George III. that the periodical literature became so powerful an engine of political warfare. For at that time the opposition between the Crown and the great Whig families of the Revolution caused the whole theory of Government again to be brought into discussion, and both parties appealed to the people as the umpire in their quarrel. No sooner had Lord Bute assumed the reins of Government, than he found himself attacked on every side by the press, which was almost exclusively in the hands of the Whigs, and at the recommendation of Bubb Doddington, he started a newspaper called *The Briton*, to expound the principles of his administration and to advocate the doctrines of peace. But this attempt of the ministry to regulate the expression of public opinion was met by increased energy on the part of the Opposition. Mr. Wilkes, member for Aylesbury, in conjunction with Lord Temple, and several other eminent Whigs, undertook the publication of a new paper, called *The North Briton*, which attacked the minister and his countrymen with a hardihood and scurrility such as no minister or public man had ever experienced before; the Government, however, wisely abstained from any direct interference, and Bute contented himself with replying in the *Briton*. But when Mr. Grenville came into power, he determined no longer to submit to such unwarrantable interference, as he considered it, with the measures of

Government; and having found a point, in the 45th number of *The North Briton*, whereon to hang a prosecution, he caused a *general warrant* (*i. e.*, a warrant in which no person was named, and by authority of which the messengers might seize whomsoever they suspected) to be issued from the Secretary of State's office, empowering the messengers to seize and bring before the Secretary of State the authors, printers, and publishers of the seditious and treasonable paper; but Wilkes strenuously resisted the execution of the order, and so terrified the messengers by his threats and assurances that they were acting upon an illegal warrant, that they were fain to leave him that night, but the next morning returned and took him into custody, when he was committed to the Tower. His friend and patron, Earl Temple, then procured a writ of *habeas corpus* from the Court of Common Pleas, which brought the matter before Westminster Hall, when, after a careful consideration, Lord Chief-Justice Pratt delivered it as the opinion of the judges, that though the commitment of Mr. Wilkes, and the general warrant, were not in themselves illegal, being justified by numerous precedents, yet Mr. Wilkes was entitled to a discharge by virtue of his privilege as a member of Parliament, for the privilege of Parliament could be forfeited only by treason, felony, or breach of the peace, and Mr. Wilkes stood accused only of writing a libel, which did not come under the head of any of the crimes defined, but which, at most, had but a tendency to disturb the peace. The prisoner was therefore discharged; but a prosecution was immediately instituted against him by the Attorney-General for the supposed libel contained in the 45th number of *The North Briton*, wherein he was asserted to have accused the King of uttering a direct falsehood in his speech at the prorogation of Parliament. Wilkes had however succeeded in placing the Government in the wrong, and he now wrote to the Secretaries of State, complaining that his house had been broken open, and accusing them of having the stolen goods in their possession.* The ministers committed the folly of writing a reply, which Wilkes published, with his own letter, so that he now appeared to be the injured party, and was hailed in all places as the greatest, the bravest, and purest patriot that had blessed the land since the days of

* "My Lords, on my return from Westminster Hall, where I have been discharged from my commitment to the Tower under your Lordships' warrant, I find that my house has been robbed, and am informed that the stolen goods are in the possession of one or both of your Lordships. I, therefore, insist that you do forthwith return them to your humble servant,
—JOHN WILKES."

Algernon Sydney, or of Hampden. When Parliament met on the 15th of November, Mr. Grenville unwisely brought the matter before the Houses, instead of leaving it to the decision of the law courts; and although he obtained a decision in the Commons against the 45th number of the *North Briton*, which was condemned by a majority of 237 against 111, as a scandalous and seditious libel, yet the reflections which it induced in the upper House, on the conduct of Lord Sandwich, one of the Secretaries of State, did more harm to the ministry than it did to Wilkes, who affecting to despise the charges which were made against him, declared that the rights of all the Commons of England and the privileges of Parliament had been grossly violated in his person; and he requested the House to take the question of privilege into immediate consideration. When the 23rd of November, the day appointed for taking the question of privilege into consideration arrived, Mr. Pitt came down to the House, although suffering at the time from a severe attack of gout, and delivered an eloquent speech of two hours, in which "he vehemently reprobated the facility with which Parliament was surrendering its own privileges;" but he carefully impressed on the House that he was merely delivering a constitutional opinion, and not vindicating the libel or its author. He condemned, he said, the whole series of *North Britons*, and called them "illiberal, unmanly, and detestable."* The ministers, however, were determined, if possible, on gaining the day; and they therefore called upon their adherents to support the measure, so that, in spite of the eloquence of Mr. Pitt, and in the face of the decision of the Court of Common Pleas, it was decided by a large majority that privilege of Parliament does *not* extend to the case of writers and publishers of seditious libels—a decision in which the House of Lords concurred, after a long debate, and Wilkes was finally expelled the House, and obliged to take refuge on the Continent. But this victory was little better for the ministers than a defeat. Before his departure Wilkes had succeeded in obtaining a verdict against the Under Secretary of State, Robert Wood, for false imprisonment, in the sum of £1,000 with costs; and when an attempt was made by the hangman, in accordance with the vote of the House of Commons, to burn the *North Briton*, such a disturbance took place that the authorities were obliged to desist, and several of the persons who were arrested on this occasion obtained damages against the messengers who arrested them. But that which gives special importance to this trial was the decision of

* Chatham's Correspondence.

Lord Chief-Justice Pratt, who, having reconsidered his former verdict, now ventured to declare peremptorily that general warrants were unconstitutional, illegal, and absolutely void. "There is," said he, "no authority in our law books that mentions this kind of warrants, but in express terms condemns them. Upon the maturest consideration I am bold to say this warrant is illegal: but I am far from wishing a matter of this consequence should rest solely on my opinion. It may be referred to the twelve judges, and there is a still higher court before which it may be canvassed, and whose determination is final. If these superior jurisdictions should declare my opinion erroneous, I submit as will become me, and kiss the rod; but I must say I shall always consider it as a rod of iron for the chastisement of the people of Great Britain." It was not held expedient to refer the matter to the twelve judges; but Pratt's judgment respecting the illegality of general warrants was afterwards affirmed by the Court of King's Bench, which set the matter at rest, and established it as the law of the land.

About this time also a new enemy, in some respects far more bitter and dangerous than John Wilkes, entered the lists against the Government. This was that most powerful, but most unscrupulous of political satirists, the anonymous author of Junius's Letters, whose extraordinary wit and force of style attracted universal admiration, while the apparent familiarity of the writer with all public affairs and public men, as well as with all court and cabinet secrets, gave the letters an importance which did not ordinarily attach to such literary productions. But the impression became much deeper when Government laid its actions for libel, and when Sir William Draper, the classical captor of Manilla, entered the field against Junius, as the champion for his friend and patron, the Duke of Grafton. The letters were then sought after and perused by all classes with astonishing avidity, and they became the political text-book of no inconsiderable part of the nation, as they have since become an intrinsic part of the national literature, being regarded as models in their class of composition. But that which attaches an almost romantic interest to these letters is the fact that the Government was never able to detect the real author, and ingenuity has long been baffled in its attempts to discover any internal evidence. Various important personages have been suggested; but the strongest apparent proofs have been brought in favour of the claims of Sir Philip Francis, Lord George Sackville, and Colonel Barré.

1764.]—While the public attention was taken up with the prosecution of Wilkes, and the political questions which accom-

panied it, Grenville, in order to gain popularity by an alleviation of the public burdens, which pressed very heavily on the people, after so long a war, introduced a bill into Parliament for making the American colonists defray a portion of the expenses for the protection of their commerce, and on the 10th of March (1764), a series of resolutions respecting new duties to be laid on foreign goods imported by the Americans, was passed with little notice, and received the royal assent. The colonists strenuously protested against the claim of the British Parliament to impose taxes on those who were not, and could not be, represented in it. And when it was urged that America should contribute her share to the general burdens of the empire, and that the late expensive war had been entered into chiefly on her account, Benjamin Franklin and the other American agents replied, that she had never been backward, and that, in the course of the last memorable contest, large sums had been repeatedly voted by Parliament as an indemnification to the colonies for exertions which were allowed to be disproportionate to their means and resources; that the proper compensation to Britain for the expense of rearing and protecting her colonies was the monopoly of their trade, the absolute direction and regulation of which was universally acknowledged to be inherent in the British legislature.

1765.]—But the British King and the British cabinet were resolutely determined not to yield their claim of right, and when Parliament met again on the 10th of January, the legislature, with a small number of exceptions, seemed either to consider the right indisputable, or the question of little moment, so that the wishes of the Americans did not meet with that consideration to which they were entitled; and on the 22nd of March (1765), after a long and stormy discussion, the famous Stamp Act received the royal assent. The two short-lived administrations of the Duke of Newcastle and the Marquis of Rockingham, which succeeded each other within a few months, gave satisfaction to no party, owing to their inability to pursue a consistent course.

1766.]—When Parliament reassembled on the 14th of January, the question of colonial taxation was again brought before the House by Pitt, who, in one of his most powerful speeches, condemned the unsound policy of the Grenville administration in passing the Stamp Act, and altogether repudiated the right of the mother country to impose taxes on her colonies. “The distinction,” said he “between legislation and taxation is essential to liberty, and in my opinion England has no right to lay a tax upon her colonies.” The effect of this

speech was to procure the repeal of the Stamp Act; but the grace of the concession was marred by the obstinacy of the British Government, which, at the same time that it repealed the obnoxious Act, affirmed the principle of colonial taxation by a declaratory vote of the House of Commons, so that the question still remained unsettled. Now, however, that time has softened down all differences, and that much secret information has come to light, there can be little doubt that the abstract theory of the inseparability of taxation and representation did not weigh with the Americans so much as the interruption of their extensive contraband trade with the Spanish colonies, and it may further be added, in the words of Mr. Grenville, that "The seditious spirit of the colonies owed its birth to the factions in the House of Commons." The provinces of New England were the first to show their discontent by acts of violence, and gave to the other colonies the signal of resistance. They further sent their agents through the country, inviting the other provinces to send deputies to meet in a general congress, to concert measures for defending their rights against the mother country: and as every citizen was armed for the defence of his home and property against the Indians, who had lately committed vast devastations on the English territory, it did not take long before the whole country was prepared for resistance, should England persist in enforcing her measures by the sword. Indeed, it was scarcely to be expected that men with muskets in their hands, and in their hearts the certainty that their quarrel would become a general one, should have contented themselves with murmurs and complaints, petitions and remonstrances, especially when these met with no favourable reception from the sovereign.

The southern provinces indeed were now contented, but the people of New England, who appear to have been long resolved on independence, still murmured, and the King refusing to make any concessions, the ministry were compelled to resign—an event which brought the King's will into immediate opposition with that of the nation. It was now found impossible to form a strong administration that should unanimously agree with his Majesty, and at the same time possess the confidence of the country. No alternative therefore remained but to enter into a tacit arrangement,* by which those points of difference were to be dropped out of the list of what were called cabinet measures,

* "Had it not been for such an arrangement as this, Pitt, who was pledged to the relief of the Catholics, and who was adverse to the American policy, could never have been prevailed on to hold office under George III."—Memoirs of the Court and Cabinets of George III., i. p. 7.

each minister being left at liberty to vote upon them as he pleased, without being held to have compromised the opinions of the Government. And thus was introduced into the practice of the constitution a principle which is undoubtedly a violation of its theory, and which, taking advantage of a dangerous precedent, has been acted upon since with less justification.

Upon these conditions Pitt, now created Earl of Chatham, endeavoured to form a ministry, but he failed to induce Earl Temple and other influential Whigs to join him, so that he was compelled to patch up a motley cabinet, which, on account of the different shades of opinion it represented, was compared by Mr. Burke to a tessellated pavement.

1767.]—Scarcely had the new ministry been formed, when Lord Edgewcombe was induced to resign by desire of the King, and General Conway and Lord Northington soon expressed their desire to follow his example. Indeed, the administration of Chatham was anything but satisfactory; owing to his attempt to please the King, he sacrificed his own principles and convictions both on the Catholic Relief question, to which he was pledged, and in the matter of colonial policy. Notwithstanding his avowed opposition to the imposition of taxes by the English Parliament without the consent of the people governed, he suffered Grenville to introduce and carry measures for the levying of import duties in America on tea, glass, paper, &c., in all to an estimated value of £400,000, for the support of the military establishments in that country, and towards the payment of the royal troops. This temporising policy could not fail to disgust many of the sincere friends of liberty, who, instead of supporting, now opposed the Government; and, after two years of ineffectual struggle to turn affairs into a better channel, this great statesman, finding his health breaking, retired (1768), leaving the Duke of Grafton at the head of the administration.

1768.]—Instead of improving, affairs became every day more involved, the American colonists resolved not to pay the newly imposed duties, and formed associations for abstaining from the use of those commodities altogether, while in England the Parliament, failing to agree with any ministry which the King would deign to employ, was prorogued on the 10th March, and dissolved two days afterwards. Great excitement now prevailed throughout the country; and Wilkes, having ventured to return from the Continent, was chosen for the county of Middlesex in the new Parliament, which was summoned to meet on the 10th May; but, after a session of only eleven days, was prorogued. The standing order for the exclusion of strangers from the

Houses was strenuously enforced, and Wilkes, having been arrested by order of the Government, was fined in £1,000, and sentenced to imprisonment for two years. Popular riots followed, in which the people were fired on by the soldiers and several people killed; and when Parliament assembled (November 8) a warm dispute took place on the statute of the 35th Henry VIII., concerning treasons, and again on the passing of the Mutiny Act. Wilkes's friends now made strenuous endeavours to obtain his release, and subscribed £20,000 for the payment of his fines and personal debts. Although expelled by the House of Commons, he was again returned for Middlesex, and claimed to take the oaths; but the election was a second time declared void on account of his previous expulsion, and the same result followed upon his being a third time returned. These proceedings were highly distasteful to the popular party, who affected to recognise in them the first encroachments of arbitrary power, and the country resounded with the cry of "Wilkes and Liberty!" It is certain that in this affair the Government, though free from any design to overthrow the constitution, yet stretched its powers to an unwarrantable length, as proved not only by the previous decisions of the King's Bench against the Under Secretary Wood for false imprisonment, but by the verdict obtained this year (1769) against Lord Halifax, Secretary of State, in £4,000, for the illegal seizure of Wilkes's papers and effects. The natural consequence of these arbitrary proceedings was to render Wilkes, although a man possessed of no superior attainments, a popular idol. So soon as he was released from confinement he became Lord Mayor of London, and was subsequently chosen to represent Middlesex in Parliament.

1770.]—The opening of the new year found England in a very distracted state; general discontent reigned in London, and Ireland appeared on the verge of rebellion, so as to require a great increase of the military establishments in that country. In the midst of these public difficulties Charles Yorke, who had received the Great Seal, committed suicide, and the Marquis of Granby and others, members of the administration, refused to retain office, which so shook the administration, that a few days afterwards the Duke of Grafton suddenly resigned the premiership, leaving the Government in a state of great perplexity; for the Whigs, who were in the majority, were so hated by the King, that he declared, "he would rather abdicate, than be trampled upon by his enemies;" and those who were best acquainted with the firmness of his resolution thought that, had he been pressed to extremities, he would have carried his menace into execution.

In this difficulty Lord North volunteered to accept office,* and displayed such wisdom and moderation in his government, that he soon acquired not only the confidence of the House, but of the nation. At first there was some show of dissatisfaction amongst the Whigs, and some attempts were made to foment the popular passions; but the dignified firmness of the sovereign, and the moderate bearing of the favourite, speedily tranquillized the public mind, and enabled Lord North to carry on the Government with energy and success.

The American war was the only blot upon his career; nor can even his devotion to the sovereign entirely excuse him for remaining in office at his Majesty's entreaty, to pursue a course of colonial policy which his reason and his conscience disapproved. This was a political fault which no circumstances can palliate; others have done worse, no doubt, from meaner motives; but the mere desire of serving the King does not absolve the minister from censure for having acted contrary to his own convictions on a question of such grave importance.†

At first the new administration showed an inclination to adopt a more conciliatory policy towards the American colonies, and a bill was almost immediately introduced into Parliament for repealing all taxes and duties imposed in 1767, with the exception of that on tea; but the colonists refused to be satisfied with this measure of concession, and insisted on the entire repeal of all duties and taxes, including that of tea, together with a voice in the management of their own internal affairs, which they endeavoured to secure by the institution of a Committee of Correspondence.

1772.]—The unfortunate burning of the *Gaspee* schooner, in 1772, by the Rhode Islanders, and the publication by Franklin in America of certain intercepted letters from the Governor and Lieutenant-Governor of Massachusetts, recommending the employment of severe measures against the colony, further exasperated the antagonistic feeling then existing between the colonies and the mother country.

1773.]—The colonists petitioned the King for the recall of the obnoxious governors, but the King, with the advice of the Council, refused to listen to their remonstrances, and Franklin was deprived of his office of Deputy Postmaster-General of America, for having published the letters. The exasperation of the colonists could no longer be restrained within the bounds

* "In one of the King's letters to him, he says, 'I love you as a man of worth, and I esteem you as a minister; your conduct at a critical moment I can never forget.'"—Memoirs of the Court and Cabinets of George III.

† Memoirs of the Court and Cabinets of George III., i. p. 11.

of legality, and the occasion of three ships entering the port of Boston laden with tea, gave the signal for a general outburst of popular indignation. A party of Americans, disguised as Mohawk Indians, forced their way on board the vessels, and flung the tea, valued at £19,000, into the sea.

1774.]—No sooner did intelligence of this defiance of authority reach England, than the Parliament passed an Act to close the port of Boston, and another abolishing the popular constitution of Massachusetts, which was henceforth to be governed by a council appointed by the Crown. The colonists, however, had ceased to regard the Acts of the Home Government with any measure of respect, and Massachusetts, in conjunction with eleven other states, resolved to send delegates to Philadelphia, to consult on their common interests, and to take measures for their mutual defence.

1775.]—Matters having thus become desperate on the other side of the Atlantic, the war was commenced by the Americans attacking a party of English troops, who had been sent to destroy warlike stores and ammunition collected at the town of Concord; and this first encounter, which is called by the Americans "the glorious victory of Lexington," was soon followed by the investment of Boston, in which General Gage was quartered with a large force of English troops. After a fierce struggle the provincials were compelled to retire, but not before they had inflicted a loss of above 1,000 men on their opponents, who, now that they had been reinforced, mustered at least 10,000 men. Having chosen George Washington, a man in every way competent to conduct the campaign with energy and discretion, as their general, the Americans soon found themselves in a position to act on the offensive by invading Canada. This project, although carried out with wonderful alacrity and daring, was not successful, and Arnold was compelled to retire with great loss; meantime Washington had compelled Howe, the successor of Gage, to evacuate the town of Boston, and although the English compensated themselves by the reduction of Long Island and the surprise of New York, yet the fortune of war was evidently on the side of the Americans, who, by a successful manœuvre, forced General Burgoyne to surrender with an army of 6,000 men, who all laid down their arms, and were marched to Boston under the pledge of not serving again in America.

1776-81.]—Emboldened by these successes, the Congress, which now consisted of the representatives of thirteen colonies or states, declared the authority of the King of Great Britain within the limits of the colonies to be at an end, on the ground

that whenever any form of government becomes destructive to the life, liberty, and happiness of the governed, it is the right of the people to alter and abolish it; and on the 4th of July, 1776, the famous Declaration of Independence was voted by twelve out of thirteen states, which severed for ever the ties which bound the colonies to the mother country. The states now assumed the title of the United States of America, and became an independent republic, under the government of a President, Senate, and Chamber of Representatives. The main object of those who advised this step was to cut off all hopes of a reconciliation with the mother country, and to afford a pretext for France and other powers to aid them; for they felt that single-handed they could not resist the power of Great Britain. Nor were they deceived, for Louis, who recollected with deep resentment the humiliating conditions of the Treaty of Fontainebleau, gladly availed himself of this opportunity to humble the pride of Great Britain, and sent a fleet under Admiral D'Estaing to render them assistance, and to threaten the English islands in the West Indies. After a long and fierce struggle, during which either party alternately gained the advantage, Lord Cornwallis was ultimately compelled to surrender himself and his whole army as prisoners of war (Oct. 19, 1781). This put an end to the war, at least so far as America was concerned, and negotiations for peace were entered into, assuming as their basis the recognition of the independence of the United States.

In other parts of the world the struggle still continued as fierce as ever. In 1779 Spain had joined the confederacy, and Holland in 1780, so that the whole of the west of Europe was leagued against England, while Russia and the other northern states entered into an "armed neutrality," on the principle that "free ships make free goods, with the exception of arms and munitions of war," in opposition to the right of search claimed by belligerent powers. But the sea is the element on which British glory has always ridden in triumph, and notwithstanding the enormous odds against her, England now maintained her ancient renown: Admirals Rodney and Parker swept the seas of the hostile fleets of Spain, France, and Holland, in succession, and threw reinforcements into Gibraltar and Minorca, in the face of superior forces; but as it was impossible for the English admirals to be present in every quarter of the globe at the same time, the French succeeded in gaining possession of the Leeward Islands; and after one of the noblest defences on record, the garrison of St. Philip's Castle, in the island of Minorca, surrendered to the combined forces of France

and Spain ; and thus was the best harbour in the Mediterranean lost to England.

1782.]—So long as the excitement of a series of brilliant victories sustained the spirit of the nation, the people quietly submitted to the sacrifices necessary for the maintenance of the unequal struggle, forced upon them by the obstinacy of the King and the selfishness of an oligarchical minority ; but when fortune turned, and the reverses in America were followed by the capitulation of Minorca, the indignation of the nation was roused, and an inquiry was demanded in Parliament into the cause of the ill success of the naval forces. The House also addressed the King in favour of peace with America ; and Lord North found it impossible any longer to remain in office, without exposing not only himself but his royal master to imminent peril ; he therefore resigned, though much against the wishes of the King, who renewed his threat of abdication.*

The new administration, formed under the premiership of the Marquis of Rockingham, was brought to a sudden catastrophe by the death of the noble marquis (July 1), who was succeeded by Lord Shelburne, with William Pitt as Chancellor of the Exchequer ; but this also only lasted for a few months, for Lord Shelburne, not being able to command a majority in the House of Commons in consequence of a coalition between Lord North and Mr. Fox, tendered his resignation.

1783.]—After a sort of ministerial interregnum of six weeks, during which the King tried every possible combination of political parties, the Duke of Portland was called to office at the head of the famous Coalition Ministry, which embraced North, Fox, Cavendish, Keppel, Burke, and others, all men of different political principles, but who trod in the steps of the Whigs, at least so far as the negotiations for peace were concerned. It was one of the singular results of adaptation to circumstances, which was rendered unavoidable by the unyielding character of the sovereign, that hostile statesmen were compelled in the reign of George III. to unite in the formation of an administration in which party differences were merged in a common agreement upon a general line of policy. Thus we see that the personal influence of the King, even in the Government as now constituted, has a real and sensible weight in determining the course of events ; and where the sovereign's wishes and feelings are deeply entertained, like those of George III. on the American war and Catholic question, they are certain to exert a real influence upon the conduct of public affairs, and with

* *Memoirs of the Court and Cabinets of George III.*

even the most conflicting sentiments of the people and the peers, secure a sensible weight to his views in the ultimate result. "This is the spirit," says Lord Brougham,* "of the constitution, which wills that the individual monarch should not be a mere cypher, but a substantive part of the political system, and wills it as a check on the other branches of the system."

As the majority of the Commons were decidedly adverse to the continuance of the war in America, and had determined on not sending out another army to replace that which had surrendered under Lord Cornwallis, the preliminaries of peace which had been separately entered into with America and France were proceeded with, in which also Spain and Holland were subsequently included; so that on the 3rd of September (1783), definitive treaties were signed at Versailles, by which England agreed to acknowledge the independence of the United States of America; to cede to France a share of the Newfoundland fisheries, together with the islands of St. Pierre and Miguelon and most of her ancient possessions in the West Indies, Africa, and India; to give up to Spain, Minorca and both Floridas, in exchange for the right of cutting logwood in Honduras; and by a subsequent treaty restored to Holland all her possessions except Negapatam. So far as England was concerned, however, the principal loss she sustained was the addition of £100,000,000 to her national debt; for a few years served to convince even the most sceptical that the trade with America as an independent empire was far more valuable than it had ever been while she remained a dependent colony. But it was different with the other belligerent powers. Spain never recovered the shock which her commerce then received; and Louis XVI. spoke the truth when he said to his ministers in after times, "I can never forget the affair of America; my youth was taken advantage of to engage me in a struggle which will finally be our ruin." It was indeed his "death warrant," for the republican ardour which his troops there imbibed was brought back with them to Europe, and, united with other internal causes, hastened the first French Revolution, which, like a moral volcano, swept before it the institutions and civilisation of centuries, involving Europe in a calamitous war of nearly a quarter of a century; and which terminated only with the reduction of France by those monarchs who had felt her insolence, and suffered by her power in the days of her strength.†

* British Const. c. viii. p. 112.

† It was certainly a remarkable analogy between the English and French Revolutions, that both were immediately brought about by the

aid lent by either country in assisting the revolted provinces of a neighbouring state. The victorious troops who returned from Holland spread throughout England the first notions of a republic, and the American veterans did the same for France. But the national character of the two peoples and the difference of their social institutions caused a considerable diversity in the development of the national movement. The English,—cold, calculating, and serious—exhibited an exuberance of the religious feeling, bordering almost on the ridiculous—while the French—lively, volatile, and selfish—threw off all religious restraint, and proclaimed the Age of Reason. The nobility, too, acted a very different part in the two struggles; in England the higher and middle classes united their cause with that of the people, and whether fighting on the side of the King or of the Parliament, they were always found at their post as the natural leaders of the people; but in France, the aristocracy, whose insolence had been a chief cause of the Revolution, cowardly deserted their sovereign in the moment of peril, and fled by thousands to foreign courts, to seek that protection which was alone to be found in their united efforts of energy, justice, and patriotism. The general outline of the two Revolutions, however, bore a striking resemblance, only the latter having the greatest wrongs to redress was infinitely the more terrible. Both nations beheaded their sovereigns, and after many vain attempts to found a republic, tamely submitted to the dominion of a military ruler, who, whatever his personal good qualities, held the power by the right of the sword; nor shall we be stretching the parallel too far, if we compare Napoleon to Cromwell: both generals had raised themselves from a comparatively humble station to the highest pinnacle of military greatness, and while they maintained the national honour abroad, they were looked up to by their respective countrymen as the defenders of law and order against the unbridled license of that profligate class to be found in all countries, who, devoid alike of religion, morals, and property, rejoice in the prospect of plunder and social confusion; but as soon as their personal influence had ceased, their empire was immediately dissolved.

CHAPTER XXXVI.

GEORGE III. (*Continued.*)

PERIOD II.

FROM THE CONCLUSION OF THE WAR OF AMERICAN INDEPENDENCE TO THE PEACE OF AMIENS, A.D. 1783-1802.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XVI., 1774-1792; REPUBLIC, 1792-1795; DIRECTORY, 1795-1799; CONSULS, 1799-1804. *Germany*—JOSEPH II., 1765-1790; LEOPOLD II., 1790-1792; FRANCIS II., 1792-1835. *Prussia*—FREDERIC II. (THE GREAT), 1740-1786; FREDERIC WILLIAM II., 1786-1797; FREDERIC WILLIAM III., 1797-1840. *Russia*—CATHARINE II., 1762-1796; PAUL I., 1796-1801; ALEXANDER I., 1801-1825. *Spain*—CHARLES III., 1759-1788; CHARLES IV., 1788-1808. *Popes*—PIUS VI., 1775-1800; PIUS VII., 1800-1823.

1783—Unpopularity of the Coalition Ministry—Fox's supposed dereliction of principle—Decline of the Whig influence—Administration of the younger Pitt.

1784—East India Bill.

1787—Reciprocity treaty based on the principles of free-trade.

1788—The King's malady—Question of the regency—The King's recovery.

1789—Outbreak of the first French Revolution—Its effect on England.

1793—War declared against England by the French Directory—Secession from the Opposition benches—Ill success of the war on the Continent.

1794—Rebellion in Ireland.

1796—Fears of a French invasion and national bankruptcy—Stoppage of payment by the Bank—Mutiny of the fleets at Spithead and the Nore.

1797—Discontent of the lower classes—Restoration of public confidence—Victories of Cape St. Vincent and Camperdown.

1798—Battle of the Nile.

1799—Napoleon made First Consul.

1800—Act of Union.

1801—Capitulation of the French army in Egypt—Treaty of Lunéville secures the ascendancy of France—Bombardment of Copenhagen—Dissolution of the league of armed neutrality.

1802—Peace of Amiens—Comparison of the resources of England and France.

1783.]—The dissatisfaction of the public at the result of the American war was manifested by the decline of the funds, the three per cent. consols falling from 70 to 56; and Mr. Fox's East India Bill soon put an end to the Coalition Ministry, which had brought nothing but disgrace on all parties concerned. By his coalition with the Whigs, Lord North had lost the confidence

of the King; and a violent outburst of indignation had been raised against the policy of Mr. Fox, in deserting his friends and joining with those whose political opinions he could not morally approve, and whom he had frequently threatened with impeachment. Indeed the character of this statesman, both in private and in public life, is but too open to censure, although, undoubtedly, his motives have been too severely judged; and it is only within the last few years that evidence has been brought forward to explain his apparent dereliction of principle, which, could it have been divulged at the time, public opinion on the subject of the famous coalition might probably have been different. "It is clear," says the Duke of Buckingham, "from the singular facts revealed in this correspondence,* that while an ostensible minister was dispatched to Paris by the general action of the Government, with the sanction of the King, to negotiate terms with the American minister, Lord Shelburne had taken upon himself to appoint another negotiator, who was not only not to act in concert with Mr. Grenville, but whose clandestine mission seems to have been expressly intended to thwart and embarrass him, and whose appointment was without the approval or even the knowledge of the cabinet. How far the King may have secretly supported Lord Shelburne in this breach of faith with his colleagues we are left to conjecture;" but its discovery by Mr. Fox made him rather prefer to join with his political enemies than keep friendship with such men.†

But whatever may have been the excuses of the Whigs, their conduct in joining the coalition, and their violent personal animosities, had so disgusted the nation, that it was more than half a century before they recovered the ground which they had lost under the ministry of Lord North. So that when the younger Pitt came into office (December, 1783), he remained at the helm of the state, with but one interruption, for the remainder of his life.

1784.]—The Act for modifying the constitution of the East India Company reflected great credit on the new administration,

* Correspondence between Mr. Fox and Thomas Grenville. See letter of June 10, 1782; *Memoirs* i. p. 39.

† Another slur on Mr. Fox's character has lately been cleared up by the correspondence published by Lord John Russell, from which it appears that instead of Fox's wilfully lying to his country, when he declared in the House that the Prince was not married to Mrs. Fitzherbert, he was himself deceived by the Prince; who, after the marriage had taken place, wrote to him a letter on the 11th of Dec., 1785, containing a flat denial of his intention to marry, and it was on this authority that Fox made his statement in the House. See *Memorials and Correspondence of Charles James Fox*, edited by Lord John Russell.

and brought a vast accession of influence to the ministry by placing the patronage of the Indian appointments at the disposal of Government instead of being monopolised by the Directors. Several other important social reforms distinguished the peaceful administration of Pitt, especially the consolidation of the customs, which took place in 1786, and the establishment of a new sinking fund.

1787.]—But the Reciprocity Treaty of 1787 was, perhaps, the most important measure introduced at this period by Mr. Pitt—at least so far as its influence over the policy of succeeding administrations was concerned; for, as the Duke of Buckingham* justly observes, this treaty may be regarded as the first recognition by an English Minister of the principles of free trade. In the animated discussion on this measure which ensued in Parliament, Mr. Fox maintained that France was the natural enemy of England, and that it was useless to attempt to veil the rivalry of the two countries under commercial regulations. Mr. Pitt, on the other hand, urged that if France obtained a market by this treaty, of eight millions of people, for her wines and other productions, England profited still more largely by gaining a market for her manufactures of twenty-four millions. The general principle of this treaty was to admit a mutual exportation and importation of commodities, at a low *ad valorem* duty. The Opposition made great head against it in the House of Commons, but it was finally carried by a majority of 76.

The famous trial of Warren Hastings took place about the same time (*viz.* 1786—1795) but as it does not immediately concern the object of our present narrative, we must pass it over in silence. An event, however, of a very different nature also occurred, which bears more immediately on the history of the constitution. Early in the autumn of 1788, it became sadly evident that the King was afflicted with a mental derangement, so that he could no longer attend to the discharge of his royal functions; and a provision was obliged to be made for supplying this important vacancy in the legislature. Long and violent debates took place in the Commons on the subject of a regency. Fox and his party maintained, with great show of reason, that as the title of the sovereign was independent and hereditary, the throne could never become vacant, but that on the decease of the sovereign the heir-apparent succeeded instantaneously. Hence, in the event of the King's infancy, illness, or other incapacity, he argued the duty of executing his office devolved, *of right*, on the next heir, without the previous consent of Parliament;

* *Memoirs of the Court and Cabinets of George III.*, i. p. 319.

while Pitt insisted that the heir-apparent had no more *right* to the executive power in this case than any other subject in the realm, the power of disposing of the vacant office being lodged solely in the Parliament; and in this decision he was followed by a great majority of the Commons; although, theoretically considered, there can be no manner of doubt but that Mr. Fox's opinions were far more in accordance than those of Mr. Pitt with the spirit of the constitution. "Yet," says Lord Brougham,* "that precedent, followed as it was by Mr. Percival's ministry in 1811, in both instances, from the mere personal views of the parties, and their hostility to the heir-apparent, has established it as the rule of the constitution, that, in the event of the sovereign's incapacity, the two Houses of Parliament shall always legislate to choose the Regent and define his powers, as well as to provide for the custody of the King's person. This is a complete anomaly in our form of government, and it perpetuates the risk of the worst mischiefs arising as often as the incapacity occurs, by providing that the whole of the subject most exciting to all classes shall be discussed during the greatest heats which that excitement can kindle." Far better would it be, both for the peace of the country and the harmonious working of the constitution, were a general law provided for supplying any defects in the royal authority, whensoever they should occur, and thus preserving intact the prerogative of the Crown, on which depends the due balance of the several branches of the legislature. The further discussion, however, of this subject was for the present postponed, by the sudden recovery of the King, which was hailed with universal joy by the people, who already applied to George III. the epithet of "the good old king."

1789.]—Six years of peace had now been enjoyed by the nation, during which the public revenue had increased by near £5,000,000, commerce and manufactures were extended by nearly a third, and the general prosperity of the people had been greatly augmented. This state of tranquillity was, however, disturbed in 1789 by the breaking out of the French Revolution, which, having overturned the Government of France, threatened the peace of the neighbouring countries. For the republicans, regardless of the treaties which had been formed with foreign states, published a decree, offering fraternity and assistance to all people who might wish to recover their liberty, *i.e.* to rise in rebellion against their Governments, and actually commenced the contest by invading the Netherlands: although it must be

* Brougham's *British Const.*, c. viii. p. 113.

acknowledged that most of the Continental states and even the English Government brought this resentment in a great measure upon themselves by the unmeasured obloquy which they heaped upon the Convention Government; thus showing that they cared more for Louis XVI. and his rights than for the French people. The Emperor of Austria, more especially, insulted the French honour, by professing to despise the republicans as an undisciplined rabble, who would at once be brought to a sense of their duty by his imperial troops—an arrogance which afterwards was the cause of his bitter humiliation.

The effect in England was twofold, that of sympathy and of disgust. The ultra-Whigs, at the head of whom was Fox, with a large proportion of the Dissenters, strongly sympathised with the republicans, and looked with complacency on the events passing in France; while the whole body of the Tories, and the more moderate Whigs, including by far the larger and more popular party, vehemently condemned these excesses, as fraught with danger to the dearest interests of mankind, and began to draw from them opinions hostile to every change. It was indeed a wonderful alteration which this event produced in the opinions of public men, for Pitt, who had been all his life the great advocate of parliamentary reform, now rejected the measure as too hazardous to be attempted under the present distracted state of public opinion, and even voted against the bill introduced by Mr. Grey, which was to the same effect as that which he himself had previously supported.

1793.]—At length the jealousy which had so long been fomenting between the French and English Governments broke out into open hostility. In February, 1793, the French having overrun Holland and conquered Flanders, threw open the navigation of the Scheldt, in violation of the Peace of Westphalia, and when the English envoy remonstrated he was ordered to quit the country, and war was declared against England. It is especially requisite to note this point, as it establishes the fact that the war was not an aggressive one on the part of England. “Had the motive,” says the Duke of Buckingham,* “commonly imputed to ministers, of having entered into the war for the vindication of the monarchical principle and the restoration of the Bourbons, been really the actuating object, it would have appeared in these confidential communications. Not only, however, is there no such motive avowed or contemplated, but, on the contrary, Lord Grenville declares that the greatest source of pride and satisfaction he finds on reviewing the line of con-

* *Memoirs of the Court and Cabinets of George III.*, ii. p. 234.

duct he had acted upon throughout that reign of anarchy, is in the reflection that he had kept England out of it, so long as was consistent with her honour and safety."

In one aspect, indeed, this was a war of principles ; in another, it was a war of self-defence ; but, in both, it was just and inevitable. Even the Opposition admitted the validity of the grounds on which it proceeded, although they could not resist the temptation of assailing the minister while they adopted his measures. "The people of all classes," observes the noble author above quoted, "were wholly with Mr. Pitt ; even Mr. Wilberforce, who had a moral aversion to all wars, ultimately expressed himself converted to the necessity of war on this occasion." The effect of the division on this subject was the transfer of numbers of the most influential men, who had previously voted with the Opposition, to the ministerial benches, including Burke and Wyndham, and Lords Portland, Spenser, Fitzwilliam, Loughborough, and many other peers and commoners ; Lord Loughborough, who had so often run in couples with Thurlow, was now appointed to succeed him on the woolsack, and ministers acquiring augmented strength from all quarters, addressed themselves vigorously to the task of preparation. The success of the war was not, however, commensurate with its popularity and the vast resources at the command of the allies. The French succeeded in driving the English out of Holland and overran the whole of Italy, and, notwithstanding the enormous subsidies which were granted to almost every state in Europe, nothing of importance was effected, with the exception of the naval victories gained by Howe at Toulon and Ushant. This want of success, and the increased burden of the taxes, caused considerable discontent in England, which was further increased by the fear of a French invasion, which seemed now only too probable, considering the vast successes of the French arms on the Continent.

1794.]—The country now became so disturbed by the growth of revolutionary societies, that the Habeas Corpus Act was suspended, and Government prosecutions were instituted against Hardy, Horne Tooke, and others for high treason.

The influence, however, of the French Revolution was more directly felt in Ireland, where the Protestant part of the population, discontented with the imperfect system of representation in the Irish Parliament, and the heavy imposts laid upon the national industry, had withdrawn their support from the Government, and ever since the close of the American war had been organising a regular system of resistance, in the hope of compelling the ministry to adopt their views, or at least of modifying the existing

system; but the fervour of the French Revolution now led them to exceed all bounds, and they formed an alliance with the Catholic Association for throwing off the yoke of England, and in 1795 the first disturbance took place; but it was not till December of the following year that the armament prepared for their assistance in France was ready to sail. Had this armada, which comprised 17 sail of the line, 13 frigates, and an army of 15,000 men, commanded by Hoche, one of the most experienced of the Revolution generals, succeeded in reaching its destination in safety, it is impossible to predict what might have been the result; the overthrow, at least for a time, of the British dominion in Ireland would, in all probability, have ensued; for the country was actually defenceless, and the majority of the population were prepared to give a favourable reception to the invaders. But that element which has so often proved true to England frustrated this formidable enterprise; and when the French reached Bantry Bay, they found that their fleet had been so shattered by the storms, that the whole of their available force did not amount to more than 6,500 men, and while they were hesitating to land, a violent gale blew off shore, and again scattered them over the ocean. Thus left to their own resources, the Irish did not make any rapid progress; but still the preparations were silently carried on, and the English Government, perceiving that the conspiracy was becoming every day more formidable, resolved to cause the mine to explode, and declared the country in a state of rebellion. One of the fiercest and most bloody struggles recorded in modern times then commenced, of which the counties of Wexford and Wicklow were the chief theatre; but the English troops finally prevailed, and a number of the Irish leaders, including several men of rank and station, were taken and executed.

The conviction that this rebellion might have been prevented, or, at least, nipped in the bud, had the Irish Parliament acted with vigour and moderation, or even accepted the remedial measures proposed by the English Legislature, induced a growing belief in the necessity of a closer concord between the governments of the two islands, and led to the formation of an union similar to that by which Scotland had been joined to England in the beginning of the preceding century. The elective principle for the peers was the single feature in the Scotch Union which Lord Grenville seems to have considered injudicious,* and it was therefore determined that the Irish peers

* *Memoirs of the Court and Cabinets of George III.*, ii. p. 425.

should be returned for life and not for the Parnament. By the Act of Union, which passed the Irish Parliament in March, 1800, and received the royal assent on the 2nd of July following, the three countries of England, Scotland, and Ireland, were formed into one kingdom, to be styled, "The United Kingdom of Great Britain and Ireland," the latter country being represented in the Imperial Parliament by 28 temporal and 4 spiritual peers, elected for life, and by 100 commoners. It was not, however, without a severe struggle and the judicious application of bribes, that the ministry succeeded in persuading the Irish Parliament to surrender their separate nationality, and to become as it were a province of England; but no one can for an instant doubt the advisability of this measure, which to a great extent annihilated the invidious distinction of race, and placed the conquerors and the conquered on an equal footing; and, notwithstanding all the ills that that unlucky country has since endured, there can be no doubt but that she has advanced two centuries in civilisation since the passing of that important measure.

1796.]—While these events were transpiring in the sister island, the position of England became extremely precarious: threatened by a rebellion at home, and by a foreign invasion on the side of France, all enterprise was at a standstill, when a general panic seized the monied classes, and everyone became anxious to convert his securities into gold, which alone would be available in the event of such a catastrophe. This caused an extraordinary run to be made upon the Bank, which it was unable to meet, owing to the drain of specie for the remittances to the Continent; and a national bankruptcy stared England in the face, had not the ministers adopted a bold resolve, and caused Bank of England notes to a certain extent to be accepted as a legal tender; but this in its turn sent up rents, food, and everything else to famine prices: thus giving a delusive air of prosperity to the country, while all the time her resources were fast being expended, and large masses of her capital sunk. That which, however, caused the most anxiety to the Government and to the nation was the mutiny of the Channel and North Sea fleets, caused by the high price of provisions and the inadequacy of the pay of the seamen, which had not been raised since the time of Charles II. The first symptoms of this disaffection were manifested at Spithead, where the fleet, under Lord Bridport, refused to put to sea until their pay had been raised and their grievances redressed. When these were granted, order was immediately restored; but the flame soon broke forth anew at the Nore, where the mutineers,

on the refusal of their demands, blockaded the mouth of the Thames, and threatened to take the fleet over to the enemy in case extremities should be resorted to. This was indeed a critical moment for the maritime existence of England; but the firmness of the Government prevailed, and discipline was restored. The ringleaders—of whom Richard Parker, a young seaman of indomitable courage and considerable ability, was the chief—were tried and executed.

1797-1801.]—The new year opened with the most gloomy prospects on all sides. The war had reached its most disastrous point.* England was left alone in the field to contend against the power of France, now grown haughty and formidable by a long course of successes; while the threatened bankruptcy at home, and the serious aspect of the rebellion in Ireland (of which we have spoken before), still further complicated the position of ministers. But the national spirit sustained the Government, and notwithstanding the violent assaults of the Opposition and the clamour of the lower classes, who were now as anxious for peace as they formerly had been for war, the contest was continued, and soon the tide of fortune turned in favour of England; Sir John Jervis gained a brilliant victory over a Spanish fleet of twice his weight of metal off Cape St. Vincent (Feb. 14, 1797), and Admiral Duncan defeated the Dutch off Camperdown (Oct. 11); thus England, single-handed, maintained her supremacy on the ocean, while an unexpected event enabled the British admiral in the Mediterranean to cut off the retreat of the French army under Napoleon Buonaparte, who had been sent to Egypt with the object of overthrowing the English dominion in India. With his accustomed alacrity Buonaparte had succeeded in passing over an army of 20,000 men unobserved, and had landed in safety; but before he had established his position, Admiral Nelson, with a part of the Cadiz fleet, descried his ships moored in Aboukir Bay, and with a daring scarcely equalled in our naval history, he attacked them at great disadvantage (Aug. 1, 1798); but nothing could overcome the cool courage and energy of our sailors, and after a fierce action, which lasted nearly two days and a night, he entirely annihilated the whole of the enemy's fleet, two only of the French ships making their escape. The battle of the Nile was followed by the repulse of the French troops from the walls of Acre (April, 1799), where Sir Sydney Smith had landed with a reinforcement to aid the Turks, and Napoleon, having retired to Egypt, succeeded in making his escape back to France; where,

* *Memoirs of the Court and Cabinets of George III.*, ii. p. 362.

by a master stroke of boldness, he subverted the Directory which then governed (Dec. 24, 1799), and placed himself at the head of the nation with the title of First Consul; but his army remained in Egypt until 1801, in which year, after suffering a defeat near Alexandria from the British under General Abercromby, who fell in the battle, it surrendered to his successor, General Hutchinson, and Egypt was again restored to the Sultan.

1801.]—Meanwhile the brilliant successes of the French arms under Moreau and Napoleon, on the side of Germany, compelled Austria to sign the treaty of Lunéville (Feb. 9, 1801): the Emperor of Russia also made peace with France, and entered into an armed neutrality with the other Northern powers to resist the right of search claimed by England. But this alliance was soon broken up; for the English ministry, justly indignant, sent Sir Hyde Parker and Admiral Nelson with a fleet of 18 sail of the line into the Baltic, which bombarded Copenhagen (April 2), and threatened the shores of Russia. But further operations were rendered unnecessary by the assassination of the Czar Paul, which put an end to the “armed neutrality.”

1802.]—All parties were now wearied with the long continuance of hostilities; and the First Consul having expressed his readiness to treat, Mr. Pitt retired from office in order to facilitate an arrangement, leaving the negotiations to be conducted by Mr. Addington, afterwards Viscount Sidmouth, who was placed at the head of the ministry; and after much discussion a treaty was signed at Amiens, on the 27th of March, 1802, by which England consented to resign all her conquests except Trinidad and Ceylon, France relinquishing her pretensions to Portugal, Italy, and Holland, and confining herself within her existing boundaries.

So far as territorial aggrandisement was concerned, the result of the present war had proved decidedly favourable to France, but it is extremely doubtful whether her increase of territory compensated her for the annihilation of her commerce and the ruin of her finances. Since the commencement of the war, in 1793, our mercantile navy had increased nearly one-third, and our permanent revenue had doubled; while those of France had declined to less than they had been previous to the Revolution. Such was the effect which the Nine Years' War had produced upon the material resources of the two countries; but its moral effect was not less perceptible. In France the tendency had been to call off the energies of the nation from the concerns of every-day life, and to raise a high tone of military

ardour, which, as Mr. Pitt expressed it, "had converted the French people into a nation of soldiers." But in England the effect was almost the contrary; the English, disgusted at the difficulty of maintaining their German possessions, eschewed the very idea of Continental dominion, and fixed their attention more firmly than ever on the development of their colonies, as the surest outlet for their commerce.

CHAPTER XXXVII.

GEORGE III. (*Continued.*)

PERIOD III.

FROM THE PEACE OF AMIENS TO THE DEATH OF
GEORGE III. A.D. 1802—1820.

CONTEMPORARY SOVEREIGNS.

France—CONSULS, 1799-1804; NAPOLEON, EMPEROR, 1804; LOUIS XVIII., 1814. *Austria*—FRANCIS I., late FRANCIS II. OF GERMANY. *Prussia*—FREDERIC WILLIAM III., 1797-1840. *Russia*—ALEXANDER I., 1801-1825. *Spain*—CHARLES IV., 1788-1808; FERDINAND VII. and JOSEPH BONA-PARTE, 1808-1814; FERDINAND VII. (*restored*), 1814-1833. *Pope*—PIUS VII., 1800-1823.

1803—Renewal of the war with France—Detention of all English residents in France.

1804—Napoleon proclaimed Emperor—Administration of William Pitt—France becomes a first-rate maritime power, having gained possession of the naval resources of Holland, Italy, Spain, and Portugal—League formed by England with Russia, Austria, Sweden, and Naples against France.

1805—Nelson defeats the combined French and Spanish fleets off Cape Trafalgar—Battle of Austerlitz gained by the French.

1806—Death of Pitt and Fox—Lord Grenville premier—French victory at Jena—Berlin decree excluding English manufactures from the markets of the Continent.

1807—Famous orders in council—Abolition of the Slave-trade—The Whigs relinquish office on the failure of the cabinet to pass a Bill for Catholic Emancipation—The English bombard Copenhagen and seize the Danish fleet.

1808—Commencement of the Peninsular War—The French defeated at Vimiera and Corunna.

1809—Failure of the Walcheren expedition—Success of Wellesley in the Peninsula.

1810—George III. becomes insane, and the Prince of Wales appointed Regent—English victories in the Peninsula.

1811—Mr. Percival assassinated.

1812—Administration of Lord Liverpool—War with America—Napoleon's expedition to Moscow.

1813—Capture of Washington, and defence of Canada.

1814—Wellington crosses the Pyrenees—Napoleon signs his abdication at Fontainebleau and retires to Elba—The allies enter Paris—Treaties of Ghent and Paris.

1815—Return of Napoleon to France—Preparations of the allies—Blucher defeated at Ligny—Decisive victory gained by Wellington at Waterloo—Napoleon surrenders himself on board a British man-of-war,

and is conveyed to St. Helena—Congress of Vienna and pacification of Europe.

1816—The Holy Alliance—France restored to its ancient boundaries—Balance of power in Europe—Extraordinary sacrifices made by England to obtain this object—Augmentation of the national debt.

1817—Distress of the working classes—Clamour for reform in Parliament—Suspension of the Habeas Corpus Act.

1819—Reform meeting at Manchester dispersed by the military—Prohibition of public meetings—Unconstitutional interference with the people's liberties—Narrow escape from a Revolution.

1820—The King's death (January 29)—Progress of the nation during this reign.

1803-6.]—The Peace of Amiens proved only a cessation of hostilities, for neither party was satisfied with its stipulations. Disputes soon arose as to the interpretation of certain articles, and the French detained all English subjects resident in France. The war was again resumed in the following spring; but it was not till 1805 that any events of serious moment took place. Meanwhile Addington had been superseded in the ministry by Mr. Pitt, and in France, Napoleon Bonaparte, having gained the ascendancy, had caused himself to be proclaimed Emperor. This latter occurrence roused the jealousy of most of the continental courts, and a league, offensive and defensive, was formed between England, Russia, Sweden, Austria, and Naples, with the avowed object of curtailing the power of France, which now threatened to become as absolute on the ocean as it was already on land. By various means, Napoleon had succeeded in getting into his own possession all the naval resources of Holland, Italy, Spain, and Portugal, so that France had become a first-rate maritime state. But the glorious victory gained by Nelson over the combined fleets of France and Spain off Cape Trafalgar again restored the supremacy of England on the ocean. A few months afterwards a change took place in the English administration, owing to the decease of Mr. Pitt, who died January 23, 1806, worn out by the excitement of political life, and was succeeded by Lord Grenville, of whose coalition ministry, called "all the talents," Fox was the leading member. Although the chiefs of the new administration were on principle opposed to the continuance of the war, no change of public policy took place, owing to the unreasonable demands of France, which frustrated all attempts to negotiate a peace, and before the close of the year Fox followed to the grave his great political antagonist, Pitt, and both statesmen were laid side by side in Westminster Abbey.

1807-14.—The commencement of the new session was marked by the introduction of the famous Bill for the Abolition

of the Slave-trade, which passed after a warm debate, and received the royal assent on March 25, 1807; but the ministers were not equally successful in their attempts to pass a Bill for Catholic Emancipation, which was obstinately opposed by the King, and in consequence were compelled to resign. The new administration, at the head of which was the Duke of Portland, with Mr. Percival, an eminent barrister, as leader in the Commons, being formed on Tory principles, found it difficult to conduct the business of Government with the present House, and therefore recommended a dissolution. When the new Parliament met on the 22nd of June, the necessity for energetic measures was universally admitted, and the British nation put forth its utmost strength; for Napoleon, having driven the powers of the Continent, by the victories of Austerlitz, Jena, and Friedland, to sign the dishonourable peace of Tilsit, now threatened to invade England, and issued his famous "Berlin decree," declaring Great Britain in a state of blockade, and shutting all the harbours of Europe against her merchandise. This decree was met by the equally famous "orders in council," which declared every port from which English shipping was excluded to be in a state of blockade, and all neutral vessels trading with it to be liable to capture, unless their goods had first been landed and duty paid in England. An expedition was also sent to Copenhagen, under Admiral Gambier, to demand the surrender of the Danish fleet into safe keeping during the war, that it might not fall into the hands of Napoleon; but the Danes refused to surrender their fleet, and it was not until their capital had been bombarded both by sea and land that they agreed to yield, and their fleet was brought to England. A force was likewise sent to the Peninsula, to co-operate with the Spaniards and Portuguese in expelling the French troops who had taken possession of those countries; but notwithstanding the personal bravery of Sir John Moore, and the admirable conduct of the English troops, the expedition was a failure, and the English forces were compelled to re-embark—but not without having first given the French several severe defeats, of which Vimiera and Corunna were the chief. The expedition to Walcheren, which had been undertaken to make a diversion in favour of Austria, was still more disastrous; but the courage of the English nation was not to be damped, and a new expedition, under Sir Arthur Wellesley, an experienced officer of India, was again despatched to the Peninsula, which soon compelled Marshal Soult to evacuate Portugal. A long series of victories now graced the English arms, of which Talavera, Busaco, Fuentes-de-Onoro, Salamanca, and Vittoria

bear witness ; and although twice compelled to retire before the overwhelming forces of the enemy, the English general maintained his ground with an honour and reputation which must last so long as history shall endure, and eventually carried his victorious standards across the Pyrenees, and terminated the series of Peninsular campaigns by the decisive battle of Toulouse, which was fought on the same day that Napoleon signed his abdication at Fontainebleau (April 10, 1814). The immediate cause of this momentous event, which changed the whole aspect of Europe, was the disastrous retreat of the French army from the expedition to Moscow, in which Napoleon lost nearly half a million of men, and the subsequent disasters in northern Germany, which left the frontier of France exposed, so that the allied armies marched on Paris, and compelled him to exchange his imperial throne for the petty sovereignty of Elba.

During these successes, events were transpiring in England that must not be overlooked. The King, having become more aged, was attacked (1810) by the same malady with which he had been afflicted before, and the subject of the regency was again brought before Parliament ; but the discussions were less animated than on the previous occasion, for in this instance both Whigs and Tories were agreed that the chief executive power ought to be confided to the nearest heir, so that the Prince of Wales was appointed Regent, with almost regal powers. As the Prince had long been in familiar intercourse with the Whigs, they naturally thought that their party would have been raised to power ; he however made no change in the administration which he found in office, and continued the same line of policy as his father had done. But in the succeeding year, 1811, Mr. Percival, the real head of the Portland administration, having been assassinated in the lobby of the House of Commons, an opportunity was offered for effecting a compromise, and Lords Grey and Grenville were applied to to join in the formation of a new ministry, but they declined to have anything to do with the Government unless the whole management of affairs were placed in their hands, saying that "they would either ride through Carlton-house rough-shod, or not enter it at all." The task, therefore, of forming the ministry was committed to Lord Liverpool, a wise and able, though not brilliant statesman ; and his power of endurance was soon put to the test ; for the lower classes, being much distressed through the long continuance of the war, were discontented, and loudly called for a reform in Parliament, while the number of our enemies abroad was increased by the United States of America, who, feeling

themselves aggrieved at the interruption of their commerce, occasioned by the famous "orders in council," and still further exasperated at the right of search claimed by England for English seamen on board American vessels, declared war against England; and although the obnoxious orders had been revoked before the proclamation reached England, the States were too much excited to recall their declaration. The consequence was, that while the war was raging in Europe, the American forces advanced for the conquest of Canada; but they were successfully resisted, and an expedition was sent to Washington, which succeeded in capturing the town and destroying all the public buildings and property; the English however were repulsed in their attempts on Baltimore and New Orleans, so that the contest remained undecided when the overthrow of Napoleon and the pacification of Europe caused America to propose terms of agreement, and a treaty was signed at Ghent, Dec. 24, 1814, leaving the principles in defence of which the war had been commenced still undecided. And, we lament to add, that the conduct of America, in instituting this war, was anything but commendable. "It might have been expected," says an eloquent writer, "that the Government of a country like the United States, whose people claim almost an exclusive possession of freedom, would have sympathised with the glorious efforts of the mother-country, and if she *were* guilty of a few violations of the strict letter of the law of nations, would have overlooked them. But there seems to be an elective attraction between the democracy and every other species of tyranny; and Mr. Madison, the American president, was the humble admirer and obsequious slave of Napoleon, whose career of spoliation he was ambitious to emulate."

While England was congratulating herself on the prospect of a lasting peace in Europe, and had just begun to turn her attention to the reformation of internal abuses, Napoleon suddenly returned to France, and by a combination of daring and wise policy, succeeded in placing himself again on the throne. The preparations of war again resounded throughout Europe, and by the month of June, Wellington was at the head of an army of about 70,000 men, principally composed of English, Hanoverians, and Hessians, ready to oppose the march of Napoleon should he attempt to invade the Netherlands, while the Austrians, Russians, and Prussians were each preparing their armies to invade France on the side of the Rhine; but the contest was not long doubtful; for Napoleon, following up that system which had so often led him to victory, determined to come by surprise on each of the allied commanders before

they should have time to unite their forces ; and hastening by forced marches from Paris, he arrived on the frontiers of Flanders on the 15th of June (1815), and the next day fell upon the Prussians, under Blucher, whom he hoped to defeat, and then turn his whole force against the English. But Wellington, perceiving his design, advanced his vanguard to Quatre Bras, about sixteen miles from Brussels, in order to support the Prussians, and prevent the French from following up their advantage should they defeat the Prussians at Ligny. The retreat of Blucher, however, rendered the position of Quatre Bras untenable, and Wellington retired his vanguard to Waterloo, where he took up an advantageous position on the slope of the hill, in order to cover the approaches to Brussels, while the forest of Soignies, in his rear, formed a defence, in case of his army being compelled to retreat. In this position he was attacked by the French army on the morning of the 18th of June, and the battle was sustained with admirable courage on both sides during the day, the French attacking and the English repelling ; but as evening closed in, the approach of the Prussian columns, whose guns were distinctly heard in the distance, and the successful rout of the imperial guards, on whom Napoleon relied as his last resource, decided the fate of the day, and the English remained victors of the field, leaving the work of carnage to the Prussians, who had the fields of Jena and Auerstadt to revenge. So complete was the defeat of the French, that Napoleon, who had often rallied his troops after heavy losses, was totally unable to make head with the scattered remnant left from the bloody field of Waterloo ; and after seeing his capital again in the hands of the allies, he surrendered himself on board a British man-of-war, and was conveyed to the island of St. Helena, in the South Atlantic Ocean, where he was detained for the remainder of his life—an example at once of human greatness and human folly—admired and feared by many, but loved by few. The delineation, however, of this great man's character is beyond our province : suffice it to say, that his aptitude for government was not at all inferior to his ability as a soldier ; and when the victories of Austerlitz and Jena shall have long ceased to operate on the fortunes of France, his civil and legal reforms will still endure as an imperishable boon. The allies having taken measures for the re-establishment of a regular Government in France, appointed a congress to meet at Vienna, to settle finally the affairs of Europe, and a general treaty of peace was signed between England, France, Austria, Russia, and Prussia ; the three latter powers entering into a still closer union, called the Holy Alliance.

Thus terminated one of the longest and fiercest wars recorded in history, and it is certainly surprising that it effected no greater alteration in the territorial distribution of Europe; but the main object of the allies was to secure a permanent peace, and they therefore restored France to its ancient boundaries, not wishing to disturb the balance of power in Europe. The sacrifices which the allies made to attain this end are almost beyond the powers of history to describe. England especially, employed her resources with a profusion and prodigality almost fabulous; besides supporting an army of 650,000 men (*viz.*, 207,000 regular soldiers, 80,000 militia, and 340,000 local militia), with a fleet of fifty-eight sail of the line in commission, she subsidised the whole of Europe, so that her debt, notwithstanding the vast augmentation of the taxes, rose in the twenty-two years, during which the war lasted, from £230,000,000 in 1793, to £860,000,000 in 1815, the expenditure of the last year of the war alone exceeding £110,000,000. The bare interest of this vast debt amounted to £40,000,000, which had to be paid out of the annual revenue, so that the taxes amounted to £70,000,000, or nearly £25 for a man and his wife with a family of three children. It is certainly surprising how any nation could have borne up against so exorbitant a pressure; but the energy and industry of the English people, added to the wonderful improvements which were at that time making in machinery and manufactures, enabled the Government to keep faith with the public creditor; and instead of the national debt proving an unmitigated evil, it has, through the fortunate course of circumstances, tended in no small degree to render England the centre of the money market, as it had already become the bonded warehouse of the world. It was not, however, till after a considerable number of years that England entirely recovered from the confusion into which the war had thrown her finances. The reaction, from a state of war to that of peace, brought with it a depression in the political body similar to that which is experienced in the human frame after a period of great mental excitement; added to which, the failure of the crops in the following year, and the want of confidence in the Government, produced such a panic throughout the country that every species of employment was interrupted, and the suffering people were almost driven to desperation.

In the midst of this confusion, numerous demagogues, who fed on the credulity of the people, employed themselves in sowing sedition, and loudly proclaimed that the corrupt state of the representation was the root of every social and political evil, and that reform in Parliament would alone regenerate society. It

was, indeed, too true that numerous abuses had crept into the Government during the distracted period of the war, and large sums of the public money were annually wasted in undeserved pensions and sinecures ; while bribery and corruption prevailed to a frightful extent, not only in the elections for Parliament, but in every department of the executive ; and this system of corruption extended even into private life, every merchant and shopkeeper defrauded the exciseman, and was himself in turn robbed by his assistants, so that an entire dissolution of society appeared almost inevitable. But the reforms demanded by these demagogues, as is usual in such cases, tended rather to aggravate than allay the dangers which threatened ; and it was only through the firm and undeviating conduct of the Government, which repressed every symptom of insurrection with a high hand, that the peace of the country was preserved.

The Act of Habeas Corpus was suspended in 1817, and numerous individuals were detained in prison on the mere warrant of the ministers. A slight symptom of improvement was observable in 1818 ; but in 1819 meetings of a formidable nature again took place in the northern and western counties of England, and in several parts of Scotland. One of these meetings especially occasioned great political excitement. On the 16th of August, a number of reformers, as they were called, met at Manchester with the professed object of petitioning the regent "for a radical reform in Parliament ;" and several disorderly acts having been committed, the military were called upon to act : but the Riot Act not having previously been read, and the populace offering no resistance, the authorities were held to have exceeded their powers, and the soldiers narrowly escaped being tried for murder. But the Government interposed in their behalf, and maintained that all these meetings were of a seditious and dangerous tendency, and ought therefore to be summarily repressed—a decision in which Parliament coincided : for when the Houses met at the close of the year, they passed a Bill declaring all public assemblies not called by the authority of the magistrates illegal, and empowering ministers to suppress them. This was a dangerous innovation of the people's liberties, and can only be justified by the necessity of the times. It was not, however, the first time that such a measure had been resorted to. In the reign of Charles II. an Act was passed "against tumults on pretence of presenting petitions ;" by which it was decided, that although the people possessed the right of petitioning the King for a parliament to redress their grievances, and of petitioning that parliament for the repeal or emendation of any law that affected the trade or interest of the county

where the meeting was held, yet the people had no authority either by this statute, nor by the constitution of the English Government, to direct the Parliament in its proceedings concerning the whole kingdom. "For the law declares," says Harley,* "that a general consultation of all the wise representatives of Parliament is more for the safety of England, than the hasty advice of a number of petitioners of a private county, of a grand jury, or of a few justices of the peace, who seldom have a true state of the case represented to them." But such is not the ordinary decision of the English law; and it is one of the express clauses in the Act of Settlement, that the subject shall enjoy the right of petitioning without let or molestation, so that it be done with order and discretion.

The Government, however, was at this time in too critical a position to suffer the free discussion of political questions, and it was the nearest escape in the world that the censorship on the press was not renewed. But that great engine of civil liberty, trial by jury, frustrated most of the state prosecutions; for, however unpopular were the principles of the persons accused, liberty of opinion and the integrity of jury trial were considered of more importance than the suppression of dangerous sentiments. The Government was more fortunate in its trials in Scotland, where, through defects in the jury system, convictions were obtained more easily, and several persons were transported for endeavouring to subvert the Government and to persuade the people to imitate the French revolutionists. In the midst of this political contest George III. breathed his last, on the 29th of January, 1820.

The most remarkable features in the reign of George III., which embraced more than half a century, the most eventful in history, were the complete union of the three countries of England, Scotland, and Ireland into one nation, as they already formed parts of one Empire; the addition of India to our foreign possessions; and the augmented influence of the middle classes in the Government, who, although they had not yet acquired the overwhelming importance in the state which has since been conceded to them, yet their numbers and wealth even then rendered them more than a match for either of the other great sections of society—and it is mainly to them, and their exertions in promoting constitutional liberty, that we are indebted for the great and beneficial reforms which have since been introduced, and which, without at all weakening the foundations of the

* "Vindication of the Rights of the Commons," either by Harley, or by Dr. Humphrey Mackworth, p. 313.

monarchy, have greatly added to the security and prosperity of the people.

The loss of America was nothing to be compared to any one of these great advantages, and even that disaster has added something to our welfare, by teaching us to value our colonies ; as, had England been successful in the struggle and established the rule of the stronger, the tyranny of her governors would have been reflected back upon herself, and might have brought her to the same fate to which a neighbouring kingdom, once greater and mightier than herself, was reduced by a similar policy ; and it should always be remembered, that although separated in government from us, the Americans are part of the same people with ourselves, and their prosperity is our own.

CHAPTER XXXVIII.

GEORGE IV. A.D. 1820—1830.

CONTEMPORARY SOVEREIGNS.

France—LOUIS XVIII., 1814-1824; CHARLES X., 1824-1830. *Austria*—FRANCIS I., 1806-1835. *Prussia*—FREDERIC WILLIAM III., 1797-1840. *Russia*—ALEXANDER I., 1801-1825; NICHOLAS I., 1825-1855. *Spain*—FERDINAND VII., 1808-1833. *Popes*—PIUS VII., 1800-1823; LEO XII., 1823-29; PIUS VIII., 1829-1831. *Portugal*—JOHN VI., 1799-1826; PEDRO IV., 1826-28, and DONNA MARIA DA GLORIA, 1828.

1820—Accession of George IV. (January 29)—Agitated state of the country—Cato Street Conspiracy—Bill of Pains and Penalties against Queen Caroline.

1822—Revival of industry—Liberal legislation in favour of commerce.

1823—Revision of the Criminal Code—Progress of emigration.

1825—Commercial panic.

1826—Establishment of branch banks—Intervention in Portugal.

1827—Independence of Greece guaranteed by the protecting powers—The Turkish fleet destroyed in Navarino Bay.

1828—Administration of the Duke of Wellington—Repeal of the Test and Corporation Acts—Disturbances in Ireland.

1829—Roman Catholic Relief Bill—Causes of Irish distress.

1830—Death of George IV. (June 26).

1820.]—Although the reign of George IV.* did not actually commence till the 29th of January, 1820, he had virtually been King ever since his appointment as Prince Regent, on the return of his venerable parent's mental malady in January, 1810. It had consequently been his good fortune to have wielded the sceptre of Great Britain during the most glorious era in its long

* George IV. was the eldest son of George III. and Charlotte Sophia, daughter of Charles Frederick, Prince of Mecklenburg-Strelitz. He was born in 1762, and though early in youth advanced to the honours and appointments attaching to his birth, was not suffered to take an active part in life till he was nearly eighteen. In 1795 he married his first cousin, Caroline Amelia, daughter of Charles Duke of Brunswick, and Augusta, sister of George III., by whom he had but one child, the Princess Charlotte, born 1796, and married to Leopold of Saxe-Coburg in 1816, but died the following year. In January, 1810, George III. being incapacitated by a return of his mental malady, he was appointed Prince Regent, and on the 29th of January, 1820, succeeded to the throne. In June, 1830, he was attacked with a bilious disorder, and died on the 26th, in the sixty-eighth year of his age, and the eleventh of his reign.

and memorable annals ; but the fierce reaction which naturally followed on the termination of this long and terrible war, rendered it no easy task to guide the nation through the throes of a social revolution. The consideration of domestic politics having been so long deferred, necessarily occupied public attention more than had been the case for nearly two centuries, and the Prince's own personal affairs, also, unfortunately added to the popular excitement. Ever since the conclusion of peace there had been much distress and much dissatisfaction, and the political meetings which had disturbed the latter part of George III.'s reign still continued with increased violence. Scarcely had the new reign commenced when the public was alarmed by the discovery of a plot known as the Cato Street Conspiracy, at the head of which was Arthur Thistlewood, a retired soldier, who, having associated with himself a number of desperadoes, formed a project to assassinate the ministers, seize the Bank and the Tower, and then set up a provisional government at the Mansion House. One of the conspirators being in the pay of the Government, the plot was prematurely disclosed, and the whole party were surprised one night at their rendezvous in Cato Street ; but notwithstanding the precautions taken, Thistlewood and several others succeeded in effecting their escape from the house, and were arrested the next morning. On April 17, the trials of the conspirators came on : five of them were found guilty of high treason and executed, five of them were transported for life, and one was pardoned. Although no persons of note appear to have been directly implicated in this wild conspiracy, yet the symptoms of discontent were so wide-spread as to give well-grounded cause of apprehension to the Government. During the winter stores of arms and manufactories of pikes were seized, and midnight meetings were held for military training, in preparation for a general rising in the spring. The vigilance of the Government, however, and the improved prospects of industry, stayed the threatened revolt ; but in a few isolated places in the north and in Scotland, premature outbursts of popular frenzy took place, which led to collisions between the people and the soldiery, and the execution of several patriots.

The public indignation was further excited by the harsh treatment, as it was considered, of the King towards his consort Queen Caroline, who, ever since the birth of the Princess Charlotte, twenty-four years before, had been driven to live apart from the Prince, and for the last six years had resided on the Continent, where scandal aspersed the purity of her morals. How much truth there may have been in the charge still remains a mystery, which some day may be unravelled by the papers con-

tained in the sealed bags delivered to the Houses of Parliament by the King. The people generally sided with the Queen, perhaps not so much from a conviction that she was free from blame as from a hearty detestation of the royal personage who had made her an outcast; and when a Bill of Pains and Penalties was introduced into the Upper House, to annul the marriage and to deprive her of the titles and prerogative of Queen Consort, an intense excitement stirred the whole community. The Bill was finally carried, but by so small a majority that Lord Liverpool declared it abandoned (Nov. 1820), and in the following session (1821) Parliament voted her a separate maintenance of £50,000 a year. She, however, lived but a few months to enjoy her pension, for failing to obtain her rights as Queen, she sickened and in a few days died, to the great grief and indignation of the nation; indeed, so incensed was the mob on the death of Queen Caroline, that a public procession could not venture to pass through the streets of the capital, and bulletins were issued every hour of the day and night, by the justices and military commanders, to inform the ministers of the exact state of public feeling, and what symptoms of insurrection were apparent in the several parts of the country and capital. It was in Ireland, however, that the greatest danger was to be apprehended. In the southern districts the state of society had become so disorganised that murder went unpunished, and the peaceable inhabitants were driven from the cultivation of their fields, so that thousands of the peasantry must have perished of starvation, only for the exertions of the English Government, and the liberal contributions which were made for their relief.

1822.]—Meanwhile, however, affairs in England had taken a turn for the better. Under the enlightened commercial policy inaugurated by Huskisson and Robinson—the former of whom was President of the Board of Trade, and the latter Chancellor of the Exchequer in Mr. Canning's administration—commerce and trade had revived; different branches of industry were relieved from oppressive duties, differential customs were abrogated, the colonial ports were thrown open to all friendly powers, and the English trade with the recently emancipated colonies of South America was developed, if not overdone, by the numerous joint-stock companies, which, as it were by some magic touch, had started into being, with a nominal capital of about four hundred millions sterling. The recognition of the independence of the South American colonies of Spain, followed at a subsequent period by the abolition of slavery in the English colonies, inaugurated a new era in colonization, and the system of emigration began to be more systematically pursued; which afforded a

new outlet for the superabundant population of the old country, while at the same time it created new markets for the consumption of English manufactures, far more remunerative than those of Europe, which were already stocked to overflowing. Thus the true secret of colonial policy was at length evolved by a simple formula of political economy, showing that the natural reward to the mother country, for the cost and responsibility in cherishing her colonies, was the trade of those colonies, which brought mutual advantage to both. A great advance was likewise at this time made in the reformation of the criminal law, chiefly through the exertions of Sir Samuel Romilly and Sir James Mackintosh, the latter of whom moved for leave to bring in six Bills, founded on the suggestions of the Committee appointed to consider the revision of our criminal code in the last Parliament of the preceding reign. Three of these Bills eventually passed into law, after much lengthened discussion, especially in the Upper House; the first was to abrogate the punishment of death for stealing goods out of a private dwelling or shop to the value of 40s. but under £10; the second went to repeal certain Acts, which visited with capital punishment a class of offences now treated as misdemeanours, or simple trespasses,—for instance, residing within prescribed bounds, associating with gypsies, being found disguised in the Mint, injuring Westminster Bridge, and the like; while the third converted the less heinous capital offences into simple felonies, as receiving stolen goods, cutting down growing timber, laming cattle, rick burning, breaking down river banks, carrying off women for the sake of their fortunes, and all capital offences created by the Marriage Act and laws of Bankruptcy. To these several crimes, differing as they did in their consequences and in moral guilt, was attached, as the law previously stood, the indiscriminate penalty of death. Although instituted on the score of humanity, these reforms were no less efficacious in preventing crime, by rendering punishment more sure, juries no longer having conscientious scruples against convicting. Thus the Statute-Book of England was purified from many grievous stains, several gross anomalies, offensive both to reason and to justice, were rectified, and unfading wreaths of civic glory adorn the busts of Romilly and Mackintosh.*

1825.]—The artificial stimulus given to commerce by the sudden opening of the South American trade, and the facility for the employment of small sums through the agency of the joint-stock companies, many of which were started by mere speculators, soon had produced, as a natural consequence, an embarrassment

in the money market; goods exported from England were returned on the merchants' hands, Mexican and Peruvian mining shares yielded little or no return, and many companies were discovered to have been instituted with no other object than to deceive the unwary; even substantial commercial houses, which had prospered for above a quarter of a century, suddenly collapsed for the want of ready money to meet their engagements, and instead of the banks being in a position to advance money, even on the best securities, they fell one after another till above sixty were closed, and the Bank of England itself was for a time in danger and compelled to contract its issues.

1826.]—When Parliament met in the spring the worst of the crisis had passed over, but not before it had reduced many thousand respectable families to indigence, and all that the legislature could do was partially to provide against the recurrence of such another catastrophe by calling in the small notes then in circulation, and by the establishment of county banks in connection with the Bank of England. The severe lesson taught by this commercial panic is, that every period of inflated commercial prosperity induces reckless speculation, which in its turn is followed by a reaction, in which want of confidence operates as blindly and injuriously as the previous confidence had been overstrained, thus establishing in fiscal matters the same rule which is observed in physics, that action and reaction are equal and opposite. Throughout these stormy times which followed upon the great war of the French Revolution, the English Government showed its wisdom in abstaining, on principle, from interference in the internal affairs of the surrounding countries, although many of them were agitated with internal struggles to obtain for themselves free constitutions, more or less nearly in accordance with the model of the English polity—which, since her triumph in the great European contest, had come to be regarded as a successful example of what a people in the enjoyment of liberty could accomplish. The only exceptions to this wise rule of non-international interference were in the instance of her old ally, Portugal, and the infant kingdom of Greece. In the former country, on the death of John VI. (1826), the crown would have passed, according to hereditary succession, to his eldest son, Don Pedro; but he had already accepted the Empire of Brazil, and was consequently precluded from succeeding in Portugal, and therefore resigned his claim in favour of his daughter, Donna Maria da Gloria, whom he proposed should reign as a constitutional sovereign under a charter which he forwarded for the approval of the Cortes. But the absolutist party in Portugal, supported by the clandestine aid of Spain and France,

which were jealous of the establishment of a liberal government on their frontiers, preferred Don Miguel, the second son of John VI., and uncle of Donna Maria. Under these circumstances, the Portuguese ambassador claimed the support of the English Government, which sent a fleet to the Tagus, and in consequence Donna Maria was suffered to take peaceable possession of the throne.

1827.]—In the case of Greece, England coincided with France and Russia in the opinion that the time was now come when a stop should be put to the desolating conflict which had been carried on for five years between the Turks and Greeks, and especially as it filled the Levant seas with piratical craft, dangerous to the commerce of civilised nations. In this resolve of the great powers, the intellectual sympathies of the whole of Europe were engaged, and it was held but a just duty to the descendants of those to whom Europe owed so much of her civilisation and culture that they should exert their power to save the classic land of Greece from further barbarities at the hands of her ruthless masters. A combined fleet was accordingly dispatched, under the command of Sir Edward Codrington, to watch the operations of the Turks and to lend Greece the moral support of their presence; but the Turkish squadron having been reinforced by ninety ships, furnished by the Pasha of Egypt, refused to respect the official requisitions of the allied commanders, and continued its devastations along the coast; upon which the allied fleet entered Navarino Bay, and an engagement ensued between the two fleets, the Turks and Egyptians carrying 2,240 guns, while the allies had only 1,324. But the ships of the latter were much superior both in size and build, so that the struggle was of short duration; in a few hours the greater part of the enemy's fleet was destroyed, to the great joy of the Russians who desired nothing better than the crippling of the Turkish navy, as a prelude to their supremacy in the Black Sea; by the other powers, however, this victory was considered an "untoward event," as it effected what they were most anxious to avoid, the weakening of Turkey, while it was unnecessary for securing the independence of Greece. In consequence of this untoward event a reaction took place in England, which led to the breaking down of the Goderich ministry, and the accession of the Duke of Wellington to power at the head of a Tory administration.

1828.]—The Whigs, now in opposition, were in a better position to befriend the cause of religious freedom, and mainly through their exertions the Test and Corporation Acts of Charles II. were both repealed; but as these Acts affected rather the Protestant

than the Catholic interest, the Irish agitation still continued, and the peasantry, under the guidance of their priests, clamoured loudly for the abolition of rents and tithes, and the overthrow of the Protestant ascendancy, and even the existence of the Church establishment, was menaced. These demands, though not endorsed in England in their entirety, were held in principle to be founded in right, and as the great majority of the people were Roman Catholics, they ought at least to be allowed the free exercise of their religious and civil rights. At length it became requisite for ministers to choose between a sanguinary rebellion, or the repeal of the penal statutes which had long been in operation against those professing the Romish religion; and the conduct of the great Tory leaders on this occasion is deserving of the utmost praise.

Both the Duke of Wellington and Mr. Peel had hitherto strenuously opposed the slightest concessions; but being now convinced of the necessity of ecclesiastical reform, they unhesitatingly sacrificed their popularity to the public welfare, and introduced the famous Catholic Emancipation Bill, which established a perfect equality of civil rights, and admitted Roman Catholics to the enjoyment of nearly the same political privileges as Protestants. Both Dissenters and Catholics now became admissible either into the legislature or the service of the Crown. But the sanguine expectations which had been formed by some of its most ardent supporters, were doomed to disappointment. Instead of diffusing a spirit of unanimity and good-will, the Catholic Emancipation Bill occasioned violent disputes in Parliament, and much animosity between the several religious sects: there can, however, be no doubt of its ultimate beneficial tendency, and the evils it produced are mainly attributable to the long delay of its introduction, which had called into existence a numerous brood of demagogues whose element is agitation, and who have ever since continued to excite the Irish people on some topic or another.

The true evil of this agitated country was at this period the extreme density of the population, which having increased under the protection of a settled government in a greater ratio than the means of subsistence, the peasantry could not obtain sufficient remuneration for their labour. The shortness of life too, in Ireland, contributed in no small degree to augment this evil, for it will always be found that where the average duration of life is the longest, the greatest amount of wealth is accumulated; in the periods of infancy and childhood man is only a burden to the community, while in manhood he is usually employed in some useful or profitable occupation, which contributes to aug-

ment the common stock, and to develop the resources of the country. The only and obvious remedy for Irish distress appears, therefore, to be found in a diminution of population, accompanied with a greater employment of capital in manufactures, and the tillage of the soil; which, if it be supported by a firm and vigorous administration of justice, may yet regenerate that unhappy country, and place it on a level with the other countries of Europe; and such, I am happy to say, appears to me to be the tendency of the agencies at present in operation.

The other events of importance during this reign were the Burmese war, which commenced in 1824 and ended in 1826, and the defeat of the Ashantees in Western Africa; but as these had no political influence on the Government, we must pass them over in silence. Suffice it to say, that England gained a considerable accession of territory in those parts. At this time a great impetus was likewise given to metropolitan improvement, through the personal interest taken by the King in the restoration of the national edifices—including Buckingham Palace, and the laying out of the Regent's and St. James's Parks by Wyattville and Nash under the immediate supervision of the King. Considerable alterations, too, were made in Windsor Castle, which was the King's favourite residence. London and other principal towns were lighted with coal-gas. But the most important of all the improvements effected in this reign was the introduction of steam as a motive power. In 1812 the first steam-boat was launched on the Clyde, and so rapid were the developments in steam locomotion, that before eight years had elapsed, the line of the Liverpool and Manchester railway had been commenced, though the King did not survive to witness the great experiment of railways—being attacked with a bilious complaint, or as others say, with heart disease, he expired on the 26th of June, 1830, in the 68th year of his age, and the eleventh of his reign.

CHAPTER XXXIX.

WILLIAM IV. A.D. 1830-1837.

CONTEMPORARY SOVEREIGNS.

France—LOUIS PHILIPPE, 1830-1848. *Austria*—FRANCIS I., 1806-1835; FERDINAND I., 1835-1848. *Prussia*—FREDERIC WILLIAM III., 1797-1840. *Russia*—NICHOLAS I., 1825-1855. *Spain*—FERDINAND VII., 1808-1833; ISABELLA II., 1833. *Popes*—PIUS VIII., 1829-1831; GREGORY XVI., 1831-1846. *Portugal*—DONNA MARIA DA GLORIA, 1828.

1830—Accession of William IV. (June 26)—Revolutions in France and Belgium—Ascendancy of the Whigs—Desire for a reform in the House of Commons—Earl Grey Premier.

1831—Introduction of the Reform Bill—Stormy debates in Parliament—Opposition of the Lords—Disturbances in London and the provinces.

1832—Attempt of the Duke of Wellington to form a ministry—Return of Earl Grey to power—Passing of the Reform Bill—Proposal to exempt cabinet ministers from losing their seats in Parliament on accepting office.

1833—New House of Commons—Misgovernment comparative, not absolute—Abolition of negro slavery in the English colonies.

1834—New Poor Law—Advantages of the labour test—Lord Melbourne's administration—Sir Robert Peel premier—Disintegration of political parties.

1835—Lord Melbourne's second administration—Social reforms—Municipal Act.

1836—Commutation of Tithes Bill—Marriage Act—Registration Bill—Foreign policy.

1837—The King's death

1830.]—Almost contemporaneously with the accession of William IV.* (June 26), two Continental revolutions took place, one in France and the other in Belgium, both of which exercised no slight influence on domestic politics. In the former country the restored line of the Bourbons was expelled in the person of

* William IV. was the fourth son of George III. and Charlotte Sophia. He was born in 1765, and entered the navy in his fourteenth year, where he saw some actual service, being sent out under Rodney to relieve Gibraltar, and successively was created lieutenant, captain, and rear-admiral; but from this time he saw no service. For a short time, during the administration of Canning, he filled the office of Lord High Admiral. In 1789 he was created Duke of Clarence, and in 1818 married Adelaide, daughter of George Duke of Saxe-Meiningen, by whom he had two children, who both died in their infancy. By a previous marriage, which, however, was not accounted legal, he left several children, the Fitz-Clarences.

Charles X., in favour of the younger branch of the same house, represented by the Duke of Orleans, who was elected under the title of Louis Philippe, King of the French, the object of which was to secure a fuller share of constitutional liberty to the French people. In the latter country the Revolution was equally of a national and popular character, the object being the establishment of a constitutional government, which the people sought to effect by the separation of Belgium from Holland, to which it had been annexed by the treaty of Vienna, but without the consent of the people to be governed; they therefore threw off the foreign yoke, and although this formidable separation of the two countries was at first described by the minister then in power as a "causeless revolt against an enlightened government," it met with the sympathy and approval of the British nation. These two events were not slow in producing their effects on the temper of the English people, and when the Duke of Wellington, who was at the head of the Administration, asserted his determination to oppose all innovations in the existing constitution of the House of Commons, so formidable an opposition was concerted against the Government, that the Tory ministry, which had been tottering to its fall ever since the passing of the Catholic Relief Bill, was now forced to resign, and Earl Grey was commissioned by the King to construct a cabinet on liberal principles; Brougham became Lord Chancellor, Lord Melbourne Home Secretary, and Sir James Graham First Lord of the Admiralty. "The time was come," said one eloquent speaker on this occasion, "when great concessions must, of necessity, be made to the democracy of England; and how far it might operate for evil or for good, came at length to be a secondary consideration: for the boon could no longer be withheld, be the consequences what they might. Society was under the influence of a great universal movement: those who appeared to lead, were in reality borne onward by an impelling influence from behind; and whoever should endeavour to resist it, would be infallibly borne down and trampled on by the advancing mass, which they fondly thought to have impeded."

The truth was, that ever since the days of the elder Pitt, the nation had been determined on restoring the Constitution to its ancient form, by adapting it to the altered condition of society: but that patriotic zeal for the honour of their country, which so nobly distinguishes the English character, caused the people to sacrifice their dearest interests, so long as the honour and safety of their country was at stake, without a murmur; and the cry for reform, if not entirely hushed, was heard only from

the ranks of the Opposition. But now that the peace of Europe had permanently been restored, the middle classes, who constitute the strength and vitality of the empire, caused their weight to be felt, and it was no longer possible to resist their just demands. Both reason and precedent were in favour of reform. Vast changes had taken place, even within the last fifty years, in the condition of the country, while no corresponding alteration in the constituency had been made for centuries; so that the representation in Parliament was no longer conducted according to the principles of our ancestors. Thus, large towns had risen up, some of them with more than a hundred thousand inhabitants, but as they were not ancient boroughs they had no representatives; while, on the other hand, boroughs which were formerly places of importance still retained their two members, though they were reduced to a few houses, or to none. Amongst other examples, that of Old Sarum may be mentioned, which was once a Roman town, and afterwards a cathedral city, but which at this time did not contain a single inhabitant; the seat in parliament being considered the property of the owner of the estate.

Besides this change in the relative population of different districts, a vast alteration had taken place in the nature of property, which greatly affected the qualification of electors; for whereas in former times, wealth almost entirely consisted in the possession of lands and houses, in modern times the funds, banks, canals, railways, and a thousand other modes of investing capital, formed so many distinct species of property: so that a corresponding alteration was requisite in the elective franchise, in order to include the middle classes generally, down to those who enjoyed a decent though limited income, which was undoubtedly the real intention of the ancient Constitution. Under the old system, the boroughs might be grouped under three classes—first, the close or pocket-boroughs, in which the privilege of returning representatives was monopolised by one or more large proprietors; secondly, the corporation or charter-boroughs, in which the representation was vested in the civic officers or self-elected corporators, mostly under the control of the Treasury, or of some landed proprietor, with whom was the chief influence; and, thirdly, the open or free boroughs, in which a semblance of popular representation was retained, the electors varying from 500 to 10,000, about three-fourths of whom were of the labouring class. But in these last boroughs, as many of the voters were non-resident, and others belonged to the poorer class of freemen, no independent public opinion guided the returns, and numbers of the voters openly sold their

franchises to the highest bidder, so that the House of Commons could be said no longer to express the true sentiment of public opinion, and the authority of Government was proportionately weakened as the basis of the Constitution became every year more restricted. It was, therefore, a matter of no less anxiety to the sovereign than to the people, that such a measure of reform should be introduced as should effectually remedy these evils; and accordingly, on the 1st of March, 1831, Lord John Russell, the representative of one of the greatest of the Revolution families, brought forward the ministerial "Reform Bill," which was received with mingled shouts and groans.

By its provisions all boroughs with less than 2,000 inhabitants were to be disenfranchised, and those boroughs with 2,000 and less than 4,000 inhabitants were to be reduced to one member each. This arrangement, it was shown, would place 166 seats at the disposal of Parliament; and it was proposed to distribute these among the more populous counties and the great manufacturing towns: two additional members were to be given to twenty-seven counties, by dividing them into two or three divisions, each returning two members; while two members were to be allotted to each of the following towns,—viz., Birmingham, Blackburn, Bolton, Bradford, Brighton, Devonport, Finsbury, Greenwich, Halifax, Lambeth, Leeds, Macclesfield, Manchester, Marylebone, Oldham, Sheffield, Stockport, Stoke-upon-Trent, Stroud, Sunderland, Tower Hamlets, and Wolverhampton; in the fourth group, under schedule D, were twenty places to be constituted boroughs in future returning one member—these were Ashton-under-Lyne, Bury St. Edmunds, Chatham, Cheltenham, Dudley, Frome, Gateshead, Huddersfield, Kendal, Kidderminster, Merthyr Tydvil, Rochdale, Salford, South Shields, Tynemouth, Wakefield, Walsall, Warrington, Whitby, and Whitehaven. The other parliamentary boroughs were to remain unchanged, except that a revision of boundaries was subsequently made, by which their populations were in many instances doubled, and in some trebled, by the annexations of neighbouring towns and parishes.

The extension of the franchise, however, was that which was regarded as the greatest innovation. In addition to the ancient 40s. freehold qualification in counties, several new franchises were added, including tenants-at-will paying more than £50 a year, copyholders of £10 a year, leaseholders for a term of 60 years paying £10 a year, or above 20 years paying £50; while in boroughs the franchise was extended so as to include all £10 small householders who complied with the provisions of the

Act with respect to residence, payment of rates, and registration. By other clauses in the Act it was provided that a yearly list of voters in all counties and boroughs should be published, and the time during which the poll might be kept open was limited to two days for counties and one for boroughs. Such were the principal features of the Bill, and with some trifling modifications, these provisions eventually became law.

It was but natural to expect that such a measure would meet with serious opposition; for besides those who conscientiously believed that it would endanger the Constitution, there were many in both Houses who, if the Bill were passed, must lose the power they possessed under the old system of appointing themselves or their friends members of the House of Commons, and thus severely damage their own private interests; but considering the firm tone of public opinion out of doors, the opposition in Parliament was more violent than could have been expected, and, on the third reading, the Bill was lost, only having passed the second stage by a majority of one. So equally balanced were parties on either side of the House, that ministers determined to urge upon the King the necessity of a dissolution, and, on the morning of the 22nd, Lord Grey and Lord Chancellor Brougham waited on the King to request him to go down to the House that very day. At first his Majesty objected to the rashness of such a proceeding, observing, "How is it possible for me to repay the kindness of Parliament to the Queen and myself after this fashion? They have just granted me a most liberal civil list, and the Queen a splendid annuity in case she survives me." But the ministers persisted, saying that the cabinet would resign unless their request was acceded to, and the King being convinced that it was the only policy which would satisfy the country, promised to be there during the morning. When the Commons had been summoned to attend, he ascended the throne, and, with a firm voice, commenced, "My lords and gentlemen, I have come to meet you for the purpose of proroguing this Parliament, with a view to its instant dissolution!" A loud murmur then arose, which prevented the remainder of the speech from being heard, and both Houses adjourned in the midst of such excitement as had not been witnessed since the invasion of the House of Commons by King Charles I.*

The new House of Commons returned amidst the fervour of the reform cry was strongly in favour of the measure, and on the 22nd of September, 1831, a day ever memorable in the annals

* Roebuck's Hist.

of the English Constitution, after one of the longest and most eloquent debates entered on the Rolls of Parliament, the third reading of the Bill was approved by a majority of 347 to 238. The chief difficulties, however, were to be encountered in the House of Lords, where, notwithstanding the known wishes of the King, and the threatened stoppage of supplies, the Bill was rejected by 199 against 158. The contest now assumed a more serious aspect. Monster meetings were held in all the principal towns, and the mob in London attacked the houses of the Duke of Wellington and other noblemen who had voted against the measure; but, to the honour of the country, in circumstances which in other nations would have produced a general war and many massacres, it was in the city of Bristol only that there was any considerable sacrifice of life and property.

1832.]—Meanwhile the Parliament met again, having been prorogued, to admit of the Bill being reintroduced, and the Commons passed the Bill with larger majorities than before, at the same time signifying pretty plainly their opinion of the conduct of the Lords. “We are bound,” said one of their most eloquent speakers,* “to respect the constitutional rights of the peers, but we are bound also not to forget our own. We, too, have our privileges; we, too, are an estate of the realm. A House of Commons strong in the love and confidence of the people, a House of Commons which has nothing to fear from a dissolution, is something in the Government. Some persons, I well know, indulge a hope that the rejection of the Bill will at once restore the domination of that party which fled from power last November, leaving everything abroad, and everything at home, in confusion; leaving the European system, which it had built up at a vast cost of blood and treasure, falling to pieces in every direction; leaving the dynasties which it had restored hastening into exile; leaving the nations which it had joined together breaking away from each other; leaving the fundholders in dismay; leaving the peasantry in insurrection; leaving the most fertile counties lighted up with the fires of incendiaries; leaving the capital in such a state that a royal procession could not pass through it. Dark and terrible, beyond any season within my remembrance of political affairs, was the day of their flight. Far darker, and far more terrible, will be the day of their return. They will return in opposition to the whole British nation, united as it was never before united on any internal question; united as firmly as when the Armada was sailing up the

* Mr. Macaulay.

Channel ; united as firmly as when Bonaparte pitched his camp on the cliffs of Boulogne. They will return pledged to defend evils which the people are resolved to destroy. They will return to a situation in which they can stand only by crushing and trampling down public opinion, and from which, if they fall, they may, in their fall, drag down with them the whole frame of society. Against such evils, should such evils appear to threaten the country, it will be our privilege and our duty to warn our gracious and beloved Sovereign. It will be our privilege and our duty to convey the wishes of a loyal people to the throne of a patriot King. At such a crisis the proper place for the House of Commons is in front of the nation ; and in that place this House will assuredly be found. Whatever prejudice or weakness may do elsewhere to ruin the empire, here, I trust, will not be wanting the wisdom, the virtue, and the energy that may save it." But, notwithstanding this warning voice, the Lords persisted in their opposition ; and the cabinet being unwilling to consent to such alterations as would have entirely changed the character of the measure, resigned. Three days of intense suspense succeeded, during which the Duke of Wellington was nominally in power, but the country was virtually without a Government, and there are few who remember those days who are not thankful that they passed over without a bloody revolution. In the Common Hall the livery of London voted an address to the Commons, calling upon them "to exercise their undoubted function (given for the good and welfare of the nation), by refusing to grant any further supplies to the executive government until the aforesaid Bill shall be passed into a law ; thereby preventing the painful necessity of enforcing the law against those who have already refused, or who may hereafter refuse to pay the taxes." They also appointed a committee of fifty, with power to add to their number, "to continue their sitting until the Reform Bill, brought in under Lord Grey's administration, be passed into a law," and recommended the formation of similar committees throughout the united kingdom. "Englishmen," said the address of the committee of the Parliamentary Reform Union to the reformers of Liverpool, "Englishmen, speak out ! and, in the honest language of the late grand meeting at Birmingham, let us tell the borough-mongering peers that, as they continue to oppose the wishes of the people, the House of Commons, and the King ! we will have more lords, or we will have none ! It's come to this !" The resolutions and petition to the Commons, voted by the Birmingham meeting, bore, "That your petitioners find it declared in the Bill of Rights, that the people of England may have arms for their defence, suitable to

their condition, and as allowed by law; and your petitioners apprehend that this great right will be put in force generally, and that the whole of the people of England will think it necessary to have arms for their defence, in order that they may be prepared for any circumstances which may arise. Your petitioners do therefore most earnestly pray that your honourable House will forthwith present an address to his Majesty, beseeching his Majesty not to allow the resignation of his ministers, but instantly to create a sufficient number of new peers to ensure the carrying of the Bill of Reform, unimpaired, into a law; and that your honourable House will instantly withhold all supplies, and adopt any other measures whatever which may be necessary to carry the Bill of Reform, and to ensure the safety and liberty of the country." In the face of so formidable an opposition the Duke of Wellington saw that it was impossible for him to retain the Government, and Earl Grey returned triumphant to power, with full authority from the King to use the royal prerogative for the creation of new peers, if such a course should be found requisite; but the opposition Lords, with a wisdom and patriotism which did them honour, instead of forcing the Government to employ so violent a resource, absented themselves from the House, so that the measure passed by a majority of 84, in a House of 128, and on the 7th of June, 1832, it received the royal assent, amidst universal rejoicing. Similar measures were also passed for Scotland and Ireland; and the Parliament was shortly after dissolved, to give an opportunity of testing the new statute.

During all the discussion on the question of reform, one objection against the destruction of the nomination boroughs had been that, without them, there would be no certain means of members of Parliament, who vacated their seats by accepting office under the Crown, securing a new return; so that the most efficient ministers might be excluded from the House of Commons. To remedy this inconvenience, the Marquis of Northampton brought in a Bill to repeal, as far as certain offices were concerned, the Act of Anne, by which an acceptance of any of them vacated a member's seat. The offices which he proposed to exempt from the operation of the statute were, first, all the great offices usually held by cabinet ministers; and secondly, those filled by the principal law officers, whose presence was generally supposed to be necessary in the House of Commons. On the motion for the second reading, the Duke of Wellington said there could be no doubt whatever that some measure of this description would be necessary, in consequence of the passing of the Reform Bill; but it appeared to

him that the present Bill was but half a measure, because it provided for only half the inconvenience likely to result. Moreover, he objected to the Bill being brought forward by the noble lord in his individual capacity. As the Bill was intended to remedy certain inconveniences arising out of a measure which Government had brought forward, he conceived that it was the duty of the Government to introduce it as a Government measure, and to recommend it to both Houses of Parliament upon their responsibility. "The noble marquis must be well aware that the object of this Bill was to repeal a part of the Act of Settlement, and of other Acts founded upon the Act of Settlement. This, surely, was no light matter." The Lord Chancellor, too, thought that the second reading should be delayed till the matter had been more ripely considered. The principle on which the statute of Queen Anne was founded was this, that the Crown should not have the power to choose for its ministers any persons who were not agreeable to their constituents, whose suffrages they were sent back to solicit. The practice was undoubtedly attended with some inconveniences: nevertheless, the principle out of which it grew was embodied in the Constitution; and he could not help thinking that an opportunity should be afforded their lordships of more maturely considering the Bill. The second reading was accordingly postponed; and, as the end of the session approached, the Bill was ultimately dropped. There seemed to be an impression that such a Bill ought to originate in the House of Commons.

1833.]—The necessary preliminaries having been taken for putting the new Act into operation, the elections were proceeded with, and a new House of Commons was returned, no more democratic in its sentiments than any that had preceded it; so that the hostility to the measure gradually faded away, although there were many who persisted in considering it an unwise concession made to popular clamour, until at length the continental revolutions of 1848 have shown the danger of too long resisting the popular will; and there are now few who will not acknowledge that Earl Grey was right when he said, "We see the hurricane approaching, we may trace presages of the storm on the verge of the horizon. What course ought we to adopt? We should put our house in order; we should secure the door against the coming tempest."

Nor is it sufficient to answer to this objection, that the condition of the English Government before the passing of the Reform Bill was much less corrupted than those of the Continent. If we look to the pages of history, we shall find that it has generally been, not so much by absolute, as by relative

misgovernment, most nations have been driven to madness. "Louis XVI. of France," said Macaulay* on this memorable occasion, "presided over a much more constitutional system of government than did his predecessor, Louis XIV., and yet the one monarch enjoyed popularity through his whole lifetime, while the other was dethroned and dragged by an insulting rabble to an ignominious scaffold. In our own history, Charles I. was a more amiable and less despotic monarch than Henry VII.; while the second James was not half so intolerant or tyrannical as his predecessor, Henry VIII. It would have been impossible for the Stuarts, with all the vigour of Richelieu and the craft of Mazarin at their command, to have governed England with the high hand of the Tudors; it would have been equally impracticable for the first princes of the house of Brunswick to have ruled their dominions on the same arbitrary principles which influenced the Stuarts; and vain was the attempt, in these times, to coerce the people, as they were controlled by the first princes of the Brunswick dynasty. Society could not always continue in a state of infancy; men could not now be amused with rattles, and wrapped in swaddling-clothes, and terrified with bugbears, as was the case at a former era. They might not be happier, they might not be better; but they were no longer the same, and no longer could they be subjected to the same treatment as before. There had been a change in the society, and not in the Government; and what could be done to prevent reform, when it was sought by the people? You could no more stifle the cry than you could retrograde to the times of the Tudors, or of Louis XIV. You might make the change more tedious, and you might make it more violent and more bloody. Such objects of the human mind could not be deferred long; or if deferred, they did not end in nothing. When the season was accomplished, great events would not tarry. By fair means or by foul, either through Parliament or over Parliament, the question of reform must be carried."

Immediately on the meeting of the reformed Parliament, the subject of Negro Slavery, which had been exciting the attention of philanthropists ever since the commencement of the century, was brought before the House of Commons by Wilberforce and Clarkson, who had successfully shown that the effect of this iniquitous system was no less injurious to the moral condition of the people of England than it was to the physical well-being of the African race. It therefore became requisite that Government should interfere, and after much discussion a Bill was

* Speech in the House of Commons, Sept. 17, 1831.

introduced by Lord Stanley (now Earl of Derby) for abolishing slavery within the British dominions; but with this proviso, that the 800,000 slaves in the West Indies should not immediately be liberated, lest so great a change should produce an entire dissolution of society; but after a limited number of years, during which they were to remain subject to their former masters, in a state of apprenticeship, every slave was to receive his liberty. It was, however, soon found that this system of apprenticeship was open to great abuse; and Parliament resolved to set the slaves at liberty at once, and voted for this purpose the sum of £20,000,000 as compensation to the planters. The ignorance and rude condition of the negroes prevented them from reaping at once the full advantage of liberty, and some politicians have held that the abolition of slavery was injurious to the prosperity of the colonies: but even were this the case, a slight temporary ill might well be endured for the sake of a great permanent good.

1834.]—The next great social reform was the revision of the Poor Law (1834), which was based on the famous statute of Elizabeth, establishing the right of life above the right of property; by giving to every individual in the community a right to be supported in the place of his birth. But this institution, like most others which have continued a long series of years, without being changed to suit the altered condition of society, although founded on wise and benevolent principles, was nevertheless subject to great abuse. In the time of Elizabeth, when the old law was first promulgated, the powers of locomotion were very confined, so that there did not exist much opportunity of fraud; but now that population had so vastly increased, and the means of evasion were multiplied, it became a serious evil that, in too many instances, the hard-working and industrious citizen was taxed for the support of some idle villain, who was living in idleness and debauchery on the public money. A Royal Commission, appointed in 1832, reported that the present administration of the Poor Laws tended to the destruction of all property, and that nothing could be more prejudicial to the labouring population than their continued operation. For that, under the present system, the industrious labourer was no better off than the idle and dissolute; that improvident marriages took place between boys and girls, whose object it was to have as numerous an offspring as possible, relief being supplied, not in proportion to their deserts or necessities, but in proportion to the number of the family, thus offering a premium to indolence and vice. The object of the New Poor Law was therefore to remedy this evil by applying

the labour test, so that when any able-bodied poor applied for relief, it should only be administered in the shape of labour, thus cutting off any incentive to feigned destitution ; but at the same time it could not fail to be felt very severely by the poor who had been accustomed to receive relief in their own dwellings, and a loud cry of indignation was raised against it ; but it has, on the whole, proved eminently beneficial both to the ratepayer and the poor, whose social status was degraded by the former mode of administering relief. While the sum annually expended for the "relief of the poor" shows an average decrease of £1,335,964, notwithstanding the increase of population during the 25 years subsequent to the adoption of the New Poor Law, the number of illegitimate births has decreased at a ratio of 13 per cent. This saving has been effected, notwithstanding the heavy additional burdens which have been imposed upon the poor-rates and charged in the item "relief to the poor," since 1834. Two of these burdens—the cost of the new Union Workhouses and the salaries of the paid union officers, have not averaged less than £800,000 a year: £200,000 a year for the former, and £600,000 for the latter, being a total amount of £20,000,000 for the two charges together during the first quarter of a century following the adoption of the new law.

The diminution of the law charges and of the expenses of the removal of paupers since 1834 has been a marked feature in the recent administration of the Poor Law. In the years 1833 and 1834, these expenses averaged £256,508 per annum. In the four following years they averaged £148,773. In subsequent years these items declined still more, so that in 1857 the amount was only £80,733, or less than one-third of the average expenditure of 1833 and 1834. A modification of the New Poor Law has subsequently been extended to Ireland, within the last twenty years, which country, previous to the great famine of 1846, had been without any compulsory system of poors' rate.

In an economical point of view, it certainly appears extraordinary how any one could believe that the wealth of a community should be increased by keeping a number of people in idleness ; yet such was the actual persuasion which induced many conscientious men to oppose the introduction of the New Poor Law, on the ground that pauper labour would operate injuriously on individual enterprise. This fallacy appears to have arisen from the mistake of believing that pauperism was caused by over-production ; whilst it may be easily demonstrated that in all instances pauperism is the result of under-production,

or production misapplied. Hence it is the duty of the guardians of the poor, and those to whom the Government of the country is confided, to keep those under their care actively employed; since nothing can be more demoralising than a life of idleness, and nothing more calculated to weaken the force of the work-house as a test of destitution than making it a place for the indulgence of indolence.

The unpopularity, however, of this measure, and a division in the cabinet on the Irish Coercion Bill, caused Earl Grey to resign; and he was succeeded by Lord Melbourne, who continued in office only a few months, for the Whig influence having declined, Sir Robert Peel was called to power.

1835.]—The disintegration which had recently taken place amongst political parties, caused in the Tory ranks chiefly by the passing of the Catholic Relief Bill and among the Whigs by dissensions arising out of the Irish difficulty, rendered the responsibility of forming a cabinet on stable principles especially difficult; and the commencement of the third session of the reformed Parliament proved that the ministry of Sir Robert Peel, which only a few months before had replaced that of Lord Melbourne, could not sustain its ground in the great party struggle which then commenced; for though the Liberals were divided amongst themselves on some minor questions, they were all-powerful in opposition. The vote on which the Tory ministry resigned was that supporting Lord John Russell's motion to apply the revenues of the Irish Church to general education, which was carried by a large majority in the Commons, but was not subsequently persisted with. Lord Melbourne in consequence returned to power, with Lord Palmerston for Foreign Secretary, and Lord John Russell as Home Secretary, and carried through Parliament several measures of great social importance. Foremost amongst these was the Municipal Corporations Act, which, by enlarging the constituencies and submitting the choice of civic officers to popular election, overthrew the inveterate abuses of the ancient corporations, many of which had fallen into the hands of little cliques, who perverted the borough revenues and monopolised power to their own private advantage. By the report of the Commissioners, to whom the matter had been referred, it appeared that at least two-thirds of the charitable funds and no inconsiderable portion of the town estates had been thus appropriated or had been spent in feasts and entertainments, while in some instances large sums had been expended in the corrupt purchase of votes at elections, instead of having been applied to the general benefit of the towns. A ready means was also furnished by this Bill for the extension

of municipal institutions, by authorising application to the Privy Council for charters of incorporation.

1836.]—The next session was still more fruitful in beneficial legislation. In it were passed the Tithe Commutation Act, which substituted the payment of a rent-charge calculated on the average price of corn, in lieu of the ancient custom of paying the tithes in kind; the Marriage Regulation Bill, by which marriages not solemnised by the Anglican clergy, but in dissenting chapels, or before the registrar, were rendered legal, it being correctly decided that marriage was a civil contract; another Bill provided for the general registration of births, deaths, and marriages, and a most beneficent act of justice was conceded, which alone should make a reign memorable, namely, the allowing prisoners to have the benefit of counsel to defend them.

The reign of William IV., although emphatically one of undisturbed tranquillity, at least so far as foreign enemies were concerned, was not without an exhibition of the military power of England. On the separation of Belgium from Holland, the English fleet blockaded the ports of the latter state, in order to compel her to acknowledge the independence of Belgium, which had elected Leopold as King; and in 1835 she expressed herself strongly in favour of the constitutionalists of Portugal and Spain, in favour of which latter country she suspended the Foreign Enlistment Bill, and the English auxiliaries, under the command of Colonel Sir de Lacy Evans, but in the service of Spain, contributed greatly to the success of Queen Isabella II., who was opposed by Don Carlos, on the plea that the salic law excluded women from succeeding to the throne of Spain. The remaining incidents of King William's reign which it is necessary to notice in this summary, were the rise of the troubles in Canada, the agitation in Ireland sustained by Mr. O'Connell, the appearance of the Asiatic cholera in London, where, in 1832, it carried off nearly six thousand persons, and the opening of the Liverpool and Manchester Railway, which inaugurated a new era in travelling, and tended greatly to the development of the national resources.

1837.]—In the early part of the following year the king's health gradually broke up, and on the 20th of June he breathed his last, his death being attributed to decay of nature. The character of this sovereign is easily delineated. He was not a great or a brilliant prince, but he was generous, liberal, true and open in all his dealings, endowed with moderate capabilities, and great honesty of purpose.

In a word William IV. “had more of the virtues of private life than the endowments of the regal station—those that gain on men’s affections rather than challenge their admiration;” yet he reigned with comparative renown, and died, regretted and esteemed by all good men, of whatever political party leaving the country far more happy and prosperous than he found it; indeed, Lord Brougham, no mean authority when speaking of the people’s sentiments, said that the King was the most popular monarch who had reigned since the days of Alfred.

THE CONSTITUTIONAL HISTORY OF ENGLAND.

CHAPTER XL.

VICTORIA ALEXANDRINA.

PERIOD I.

FROM THE ACCESSION OF QUEEN VICTORIA TO THE
THIRD FRENCH REVOLUTION, A.D. 1837—1848.

CONTEMPORARY SOVEREIGNS.

France—LOUIS PHILIPPE, 1830-1848; *Austria*—FERDINAND I., 1835-1848,
Prussia—FREDERIC WILLIAM III., 1797-1840; FREDERIC WILLIAM IV.,
1840-1861; *Russia*—NICHOLAS I., 1825-1855; *Spain*—ISABELLA, 1833.
Popes—GREGORY XVI., 1831; PIUS IX., 1846.

1837—Accession of Queen Victoria (June 20)—Separation of England
and Hanover—Rebellion in Canada.

1838—Chartist riots in England.

1839—Affghan war.

1840—Chinese war—Penny postage.

1841—Administration of Sir Robert Peel.

1842—Anti-Corn-Law League.

1843—Agitation in Ireland for Repeal of the Union.

1845—Secession of the Free Church of Scotland.

1846—Progress of free-trade sentiment—Repeal of the Corn Laws—
Whig administration of Lord John Russell.

1847—Free-trade policy—Railway speculations—Commercial crisis.

1848—Famine in Ireland and Scotland.

1837.]—On the death of William IV. (June 20, 1837), his
niece, Victoria,* who had only attained her majority in the pre-

* Her most gracious Majesty Victoria Alexandrina is the only child of
Edward Duke of Kent, fourth son of George III. She was born at
Kensington Palace on the 24th May, 1819, and ascended the throne on
the 20th June, 1837. Her early education had been conducted with
great care and judgment by her accomplished mother, the late Duchess
of Kent, till she was about fifteen, when the Duchess of Northumberland
was likewise joined in this responsible duty. As the Whigs were in office
during the latter part of William IV.'s reign, her political education was
chiefly under their guidance, and Lord Melbourne, who was Premier, is
said to have well grounded her in the theory and practice of the English
Constitution. On the 10th February, 1840, the Queen was united in
marriage to her cousin, Albert Charles Immanuel, Prince of Saxe-Coburg
Gotha. The Prince received from Parliament a separate maintenance of

ceding month, succeeded to the throne of her ancestors ; which she still continues to fill with so much grace and dignity, and may God long preserve her to reign over a united and virtuous people. It was about five o'clock on the morning of the 20th of June that the young Queen, who was then residing at Kensington Palace, received the intelligence of the decease of her uncle, and by nine in the morning Lord Melbourne, as first minister of the Crown, was in attendance to receive her Majesty's commands for the carrying on of the Government. The members of the Privy Council then being summoned, took the oaths of supremacy, and the Queen congratulated her uncle Ernest, late Duke of Cumberland, on his accession to the throne of Hanover, which passed to him as the next male heir of the late King, in accordance with the salic law of succession and the conditions of the Act of Settlement, thus separating the connection between the Crowns of England and Hanover, which had now existed for a hundred and twenty years. This event, although it curtailed the dominions of the English Crown, was regarded, not as a loss by the English nation, but rather as a cause of general congratulation, as it freed the nation from the perpetual danger of entanglement in continental politics. The Queen's education, under the watchful care of her excellent and highly gifted mother, the Duchess of Kent, had in every way fitted her for the exalted station she was now called upon to fill, and the people generally accepted without misgiving the prospect of a Queen Regnant administering the affairs of this mighty empire ; but many and serious difficulties beset the path of the youthful sovereign. The ministry she found in power on her accession, was composed of enlightened and experienced statesmen, but even before the decease of the late King symptoms of want of

£30,000 a year for life, and proved himself not only an affectionate and true-hearted husband, but the guide and friend of her Majesty. This noble and excellent-hearted Prince died of gastric fever, brought on by cold, on the 14th December, 1861, to the irreparable loss of the nation and inconsolable grief of her Majesty, whose great bereavement is only now beginning to be mitigated. The children of this propitious alliance are Victoria Adelaide Mary Louisa, born 21st November, 1840, and married to the Crown Prince of Prussia ; Albert Edward, Prince of Wales, born 9th November, 1841, and married Alexandra, daughter of King Christian IX. of Denmark ; Alice Maud Mary, born 25th April, 1843, and married to Louis, Prince of Hesse ; Alfred Ernest Albert, heir apparent to the duchy of Saxe-Coburg Gotha, born 6th August, 1844 ; Helena Augusta Victoria, born 25th May, 1846, and married to Prince Christian ; Louisa Caroline Alberta, born 18th March, 1848, and married to the Marquis of Lorne ; Arthur William Patrick Albert, born 1st May, 1850 ; Leopold George Duncan Albert, born 6th April, 1853 ; and Beatrice Mary Victoria Feodore, born 14th April, 1857.

confidence in them had been manifested in the Commons, and within a few months after her Majesty's accession they were defeated on a Bill to suspend the constitution in Jamaica on account of disturbances apprehended in that colony ; the result was that Lord Melbourne placed his resignation in her Majesty's hands, and Sir Robert Peel was sent for, at the instance of the Duke of Wellington, and commissioned to form a ministry, which he attempted to do ; but finding the repugnance of the Queen to change the ladies of her household, who were nearly all related to members of the late ministry, he abandoned the attempt in despair, and Lord Melbourne was retained in office, with the tacit consent of both political parties in the House, the majority, under the leadership of Sir Robert Peel, having the virtual direction of the public policy.

This weakness of the ministry, however, combined with other social causes, rendered the action of the Government less positive, and symptoms of disaffection began to manifest themselves in various parts of her Majesty's dominions, especially in Canada, where the jealousy so long existing between the populations of Upper and Lower Canada broke out into an open feud. It will be remembered that Canada was originally a French province, and only came into the possession of the English in 1760. For above half a century the French Canadians, who chiefly inhabited the lower province, and who were maintained in the free enjoyment of their religion, laws, and institutions, which nearly resembled those prevailing in France before the first Revolution, had adhered steadfastly to the English connection, and had given satisfactory proof of their loyalty in the wars with the United States ; but towards the close of the last century the upper province had been colonised by English and Scotch with such successful results that it had now surpassed in population and wealth the lower or French province, although the latter had been colonised nearly a century before. A national jealousy in consequence sprang up, which subsequently degenerated into a want of cordiality between the two races, and the French Canadians sought a separation from the English connection, a project not altogether disapproved by the United States, who thought thus to shake the English power in America. In 1833, these national bickerings resulted in an open breach of confidence, and the Canadian Assembly separated without voting the necessary supplies for carrying on the Government. The grievances urged were the preference shown to the English language over the French, the monopolising of public affairs by Canadians of English descent, the want of a popular control over the expenditure of the

colonial revenues, the non-communication of despatches from the colonists to the Home Government, the too frequent reservation of Acts of Assembly for the signification of the royal pleasure, and interference by Government in the elections, all which questions the English Government declared itself ready to revise if brought before it in a conciliatory spirit; but the democratic party refused to accept these concessions, as their object was rather the overthrow of existing institutions than the reformation of actual abuses. The contest was commenced in the winter, when it was expected that the colonial Government, unable to draw supplies from Europe would be compelled to succumb. M. Papineau, and other French leaders, took the command of the insurgents in the lower province, and Mr. Mackenzie, the editor of a democratic newspaper, in the upper. In the latter the revolt was speedily suppressed by the militia at Toronto; but in the former it assumed somewhat alarming proportions, and required all the exertions of the home Government to repress it, as the insurgents were supported by strong bodies of sympathizers, and munitions of war from the United States, which country pretended that its Government was too weak to repress the marauding disposition of its subjects. But the superior valour of the English troops, and the effective aid lent by the loyal colonists of Upper Canada, soon suppressed the insurrection, and the provinces of Upper and Lower Canada were united into one; the seat of Government being transferred from Quebec to Montreal, for the greater security and convenience of both provinces, which have since enjoyed a period of unexampled peace and prosperity, and are now governed by a constitution of their own; the appointment of the governor being alone vested in the Crown, which forms a kind of connecting link between the colony and the mother country.

1838.]—Simultaneous with the insurrection in Canada, a political movement of a very serious nature was apprehended in England. A succession of bad harvests and the depression of trade had sent up prices, and employment became scarce—a state of things which was temporarily aggravated by the stringency of the new poor law and the operation of the corn laws, which together occasioned a great amount of suffering and discontent. Monster meetings were consequently held in various parts of the country, especially in the manufacturing districts of the north, where demagogues roused the people to demand further reforms in Parliament, as the only means of removing the evils which pressed down the working classes, and even many thoughtful men considered it almost hopeless to urge the repeal of the corn laws without a further reform in Parliament, as the

landed interest had still such a preponderance in the reformed Parliament, that a fair consideration of the question on economic grounds could not be obtained, and even the most liberal statesmen of the day recommended the House "not to suffer evidence to be taken upon it." It was under these circumstances that the Anti-Corn-Law League was formed (1838), at the head of which was Richard Cobden, a man no less distinguished for his shrewdness in commercial matters than for his benevolence and public spirit. When the delegates met the following year in London to promote the object of the League, it was conclusively shown that wheat, which in 1835 had been at 35*s.* 4*d.* per quarter, had in August, 1839, reached 72*s.* 3*d.*—a state of things which could not long be endured. Although the object proposed to be accomplished by the earnest and energetic men who formed the league was eminently peaceful, and the means employed entirely in accordance with the law, the state of excitement and agitation in which it kept the nation, gave an extensive support to the turbulent proceedings of the Chartists, a political body, who differed but little in their principles from the republicans of former ages. These men endeavoured to bring about a radical change in the English Government, and even threatened to resort to arms; but owing to the increased intelligence of the people, and the great influence of the middle and upper classes, it was only in the rudest parts of the country that any disturbance of the public peace actually took place. In South Wales, where the popular discontent was at its height, Frost and two others, named Williams and Jones, incited the people to take up arms, and marched at the head of 10,000 men against the town of Newport; but this disorderly band was soon routed by the mayor and a few soldiers, who were posted in an inn, and the ringleaders tried and transported, which put a stop for a time to these mischievous riots.

1839-42.]—Meanwhile the affairs of the East began to assume a serious aspect; for the Russians having marched into Tartary to place their candidate on the throne of Herat, the English were jealous of their interference in Central Asia, and made a counter-move by marching into Affghanistan to reinstate Shah Soojah on the throne of that country (1839); so that the key of the Indus might at least be in the hands of a friendly power, and one which would not be likely to be influenced by the views of Russia. But many circumstances conspired to render this expedition unpropitious. In the first place, the Affghans were a brave and warlike race, unaccustomed to the dictation of any foreign power; secondly, the country was extremely mountainous and inhospitable, and at a vast distance from our

resources in India, so that we were compelled to bring our stores through the territory of Lahore; and lastly, several egregious mistakes were committed by the officers in command of the expedition. The consequence was, that as winter advanced our troops were shut up in Cabul (1841); and while General Elphinstone was endeavouring to effect a junction with the heroic Sale, who commanded at Jellalabad, he fell into an ambush, and his troops were cut off to a man; Dr. Brydon, a surgeon, alone escaping to Jellalabad to tell the tale of treachery and horror.

It would be difficult to describe the sensation produced in England by the intelligence of this disaster. When the news first arrived it was treated as an idle fable; but when confirmed through the Government despatches, a change in the public sentiment took place, and there was but one cry, for vengeance and the rescue of the miserable captives who, it was hoped, might still survive. Grand preparations were immediately commenced, and in the following spring two armies, under the command of Generals Nott and Pollock, marched to the rescue of their lost comrades; but when they arrived at Jellalabad, they found that the whole of the army, consisting of 5,000 men, with 12,000 camp followers, had either perished in the snows, or been slain by the treachery of the Affghans; the captive women, and a few wounded prisoners, being all they were able to recover. But before leaving the country they inflicted a fearful vengeance, by throwing down all the strongholds, and cutting down the vineyards, so that in the following winter, more of the Affghans perished by famine than had been slain by the swords of the English, who, as winter approached, returned triumphant to India, leaving Dost Mahommed and Shah Soojah to contend between each other for the sovereignty.

The throwing open the Indian trade, and the jealousy of the Chinese Government towards foreigners, at length (1840) occasioned a war between the two countries; the immediate cause of which was the trade in opium, an article which had long been prohibited by the Chinese authorities, although, through the connivance of the officials, the English merchants continued to carry on an extensive trade in that article; when, on a sudden, the Chinese Government resolved to enforce the law more strictly, and destroyed nearly two millions' worth of English property. Captain Elliott remonstrated; but he was committed to prison, and the English merchants threatened with expulsion from Canton. Such an insult could not be overlooked by the English Government; and as the Chinese refused to make reparation, war was declared (April, 1840); in the following year,

Chusan, Canton, Amoy, and several other towns surrendered; and ere long Sir Henry Pottinger dictated the terms of peace under the walls of Nankin, and a commercial treaty was concluded, August 29, 1842. By this arrangement, China consented to throw open four other ports besides Canton to the trade of the world; to cede Hong Kong to the English; and promised the payment of an indemnity of ten millions in the space of ten years.

Meanwhile, events of more serious moment were passing in Western Asia, which threatened to involve Europe in a general war, and which extended over the ten years, 1831-1841. At the earlier date, Mahomet Ali, the Pasha of Egypt, having become too powerful a vassal, threatened to throw off his allegiance to the Sultan, who, to maintain his authority, called in the aid of Russia. This power seized on the keys of the Dardanelles, and refused to withdraw her armament until, by the treaty of Unkiar Skelessi (1832), she had secured to herself the exclusive navigation of the straits; and notwithstanding the remonstrances of England, France, and Austria, she maintained her exclusive privileges until 1840, when the war having recommenced between the Porte and its vassal, the interference of the five great powers was again rendered necessary. But this time their policy was somewhat different. France, thinking it her interest, supported the pretensions of Mahomet Ali, and for this object professed herself ready to go to war; but the other three powers, viz., England, Austria, and Russia, remained firm in their determination to maintain the integrity of Turkey; and the latter power having relinquished her exclusive right to navigate the straits, the treaty of London was signed, by which the three powers agreed mutually to support each other, and, if requisite, to employ force to compel the Pasha to accept their terms. The latter, relying upon the support of France, would listen to no arrangement, and an English fleet was sent into the Mediterranean to enforce the treaty. After a series of brilliant actions, in which all the strongholds on the coast of Syria, including the fortress of Acre, were taken or destroyed, the English fleet proceeded to Alexandria, and Commodore Napier threatened to bombard the city, unless the Pasha should accede to his terms within twenty-four hours. The Pasha, seeing himself abandoned by France, and unable to maintain the unequal struggle, surrendered at discretion, agreeing to evacuate Syria and to give up the Turkish fleet, on condition that Egypt should be secured to him, and the title of Pasha made hereditary in his family.

Although the Syrian war had been rendered inevitable through the selfish policy of France, yet the fear of a collision with that

power, added to the misconduct of the Affghan war, occasioned the Whig ministry, which had been in power for upwards of ten years, with the exception of a few months at the end of 1834 and the beginning of 1835, to lose public confidence; and on the dissolution of Parliament (June 23, 1841), the Whigs were in the minority, and Sir Robert Peel was empowered to form a new ministry on Conservative principles. The principal social reform which distinguished the latter period of the Whig administration, was the adoption of the Penny Postage system, which had long been advocated, but previously without success, by the very intelligent and persevering Secretary of the Post Office, Mr. Rowland Hill, to whom we owe the great boon of an uniform penny postage throughout the United Kingdom; the Act which granted this concession was passed on the 17th of August, 1839, and within a year afterwards the new system came into operation. Its successful working has surpassed the most sanguine expectations of those who promoted it, and become one of the wonders of the present age; the number of letters annually passing through the Post Office has, within the quarter of a century during which it has been in operation, risen from 75,000,000 to near 500,000,000, affording a revenue to the State of no less than *two and a half* millions sterling.

The patriotism of the prime minister was superior to all party spirit; and notwithstanding the opposition of many of his own supporters, and the evident disgust of the landed interest, Peel introduced a Bill (April, 1842) for modifying the Corn Laws, which had become extremely oppressive to the people, mainly owing to the succession of deficient harvests; and this all-important measure was followed by another of scarcely less interest, the reduction of the duties on imported goods. But as the revenue could not be sustained without some additional taxes to make up for the falling off which was expected from the abolition of taxes on food, an income and property tax was laid on all persons enjoying a revenue of more than £150 a year.

1843.]—A perceptible improvement immediately took place in all departments of industry, and the partial mitigation of the Corn Laws only made the desire for their entire repeal still more universal; so that the Anti-Corn-Law League, which had its origin with the supporters of Free Trade, soon became, under the able direction of Mr. Cobden, a formidable political association, which had its ramifications in every part of the kingdom; and even after its grand object was attained, the total repeal of the Corn Laws, the principles on which it was based were found so just and equitable, that the plan was continued as a paying speculation, and has since given rise to the innumerable associa-

tions called Freehold Land and Building Societies, which promise in a great measure to remedy one of the worst evils of English society, the recklessness of the poor, by opening up a secure and profitable investment for the savings of the working classes, so that they may ultimately acquire an interest in the soil, which will inevitably render them not only more peaceable but more virtuous citizens.*

While the agitation for the repeal of the Corn Laws in England was absorbing public attention, the discontented portion of the Irish population were clamouring loudly for the Repeal of the Union, which they declared to be destructive of their independence; and, under the guidance of Mr. O'Connell, a very talented but eccentric man, they held monster meetings in all parts of the country to petition the Government for the restoration of their national Parliament as the only means of restoring prosperity and freedom to their country. So alarming did the state of affairs in that disquieted country at length become, that the Government was compelled to interpose to suppress the monster meeting which had been announced to be held at Clontarf in October, and which O'Connell had directed that the people, who were expected to number above 200,000, should attend in military array. A proclamation was issued forbidding such gatherings, and on the appointed day the ground was previously occupied by a large body of troops. Shortly after, O'Connell and other Irish agitators were arrested and put on their trial for conspiracy and sedition. The prosecution lasted some months; but in 1844 sentence was given against O'Connell, who was fined £2,000, besides imprisonment for one year; but an appeal being made to the Lords, the sentence was reversed on a technical point. From this time the agitation gradually declined, at least for several years, till 1848, when it was again renewed under a different form. But that which threatened to effect the greatest alteration in the Constitution at this time, was the secession of the Free Church of Scotland from the Kirk, which latter had been acknowledged by the Act of Union to be the national religion of Scotland. By a subsequent Act, however, of Queen Anne's reign, the old regulation with regard to patronage was restored, so that a jealousy had long existed between the patrons and the heads of families with regard to the appointment of ministers; the former claiming the sole disposal of the livings in their gift, while the latter, acknowledging the right of nomination to rest with the patrons, claimed for

* In the Government reports it has been shown that the committals for crime are fewest in those districts in England where the soil is most subdivided, and that offences increase with the size of the holdings.

themselves the privilege of approving the minister before his introduction into his living. This interpretation was sanctioned by the General Assembly, which passed a rule, called the Veto Act, forbidding the Church Courts from confirming the choice of a candidate unless he were approved by a majority of the parishioners; but on the matter being referred to the Court of Session, the decision of the General Assembly was disallowed. After an ineffectual attempt to move the Government to interpose its authority, the opposers of the right of patronage, who styled themselves "the Free Church," seceded from the Established Kirk, and with much exertion and expense succeeded in building new churches and schools throughout the length and breadth of the land, which they supported by voluntary subscriptions; so that the adherents of the Free Church are now more numerous than those of the Kirk. A similar breach was very nearly taking place in the Anglican Church, where a number of the clergy, and a small section of the laity, were persuaded by the writings of Dr. Pusey and others to believe that the Reformers, in rectifying the abuses of the Romish Church, had gone too far, and discarded many of the ceremonies and practices which had been in vogue in the early Church. The Tractarians, however, were by far the minor portion of the Anglican clergy; and owing to the wise moderation of Archbishop Sumner, and the decision of the Privy Council in the Gorham case, which ruled that the practice and formulæ of the Church of England recognised a diversity of opinion, a schism was fortunately avoided and the excitement gradually subsided.

1846.]—Meanwhile, the opinions in favour of Free Trade and the repeal of the Corn Laws, which, be it remembered, were only enacted in 1815 to keep up the price of corn at the war standard, continued to gain many converts, amongst whom was Sir Robert Peel, who was then prime minister, and whose influence in Parliament was so great, that notwithstanding the opposition of the whole landed interest, this glorious measure was carried by a large majority. But the animosity it excited was so fierce, that many of Peel's most intimate friends and staunch supporters abandoned him, and went over to the opposition, so that the ministry was obliged to resign; and on the re-assembling of Parliament, July 4, 1846, a new cabinet was formed, with Lord John Russell at its head. The change of ministry, however, affected but little the development of this salutary reform: for the Whigs were as earnest supporters as ever Peel had been of the principles of free trade, and during the ensuing years many important Acts were passed affecting the welfare of the middle and lower classes of society, and throwing open the several

branches of trade and manufactures to the free competition of the people; a much greater amount of energy and skill was thus brought to bear, both on the home trade and foreign commerce; the effect of which was immediately perceptible in the vastly increasing returns of the revenue, notwithstanding the great reductions which had been made in the customs and excise, by the removal of such taxes as pressed injuriously upon trade; the partial substitution too of direct for indirect* taxation, also tended to facilitate commerce; and the national wealth, which had been progressively augmenting since the commencement of the century, now advanced by prodigious strides; the parliamentary reports show that, in 1812, the total amount assessed for income tax was £21,247,621; while in 1848, the amount was £56,990,224, being at the rate of 168·21 per cent., or more than four-and-a-half per cent. annually, an increase very nearly threefold greater than the increase during the same period of the population of that part of the United Kingdom which is subject to the income tax, so that every person in England must have been three times as well off in 1848 as he was in 1812; a fact which will appear still more plainly, when we consider that this great increase in the national wealth and value of property was mainly distributed amongst the middle and industrial classes, who appear by the official returns to have increased since 1812 in a much greater ratio than the general increase of population, and therefore bore a much greater proportion to the higher and poorer orders. It cannot but be satisfactory to every one to find, that the fears entertained and expressed by many, as to the probable disappearance of the middle classes from among us, are unfounded; and that it is far from being true, that the rich are growing richer and the poor are becoming poorer; but that, on the contrary, those who occupy a middle station are progressively increasing in number, and in the proportion which they bear relatively to the population of the kingdom.†

It is one peculiarity of the English people, that they admit no Government interference in commercial transactions, but

* By indirect taxes are understood those which, like the duty on tea and coffee, or the excise on liquors, are laid on particular commodities, so that no one can buy them without paying the tax, which becomes an addition to the price. They are thus more readily paid than direct taxes, but they are a greater interruption to trade, and cost more in collecting. Direct taxes, on the contrary, are more easily collected, but like the income and property tax, are difficult of adjustment, and almost impossible to be universally adopted on account of the repugnance of the poor to the payment of large sums at once, which causes frequent distraints, and renders the Government unpopular.

† See the report of the statistical section of the British Association, 1850.

leave the carrying out of all internal improvements and speculations to the energy and exertions of individual enterprise. This system, on the whole, is found to operate advantageously ; but in the particular case of railways, the vastness of the undertakings and the difficulty of estimating the returns surpassed the ordinary rules of calculation ; thus involving many persons to a greater amount than they were actually able to pay, while others, who had nothing, borrowed for the purpose of speculation. At length, the desire for this kind of investment increased almost to a mania, and the boards of directors who were intrusted with the management of the affairs of the several companies, expended more than was requisite in the formation of the lines, and engaged in useless litigation with each other. This caused railway property to become depreciated, and many of the railways which were completed did not remunerate their owners for their great outlay, while others were left incomplete. Hence many persons who were large shareholders in these concerns were ruined in endeavouring to procure the money they had engaged to advance, while others were unable to pay at all ; thus a commercial crisis was inevitable, which was rendered still more oppressive in the following season through the failure of the potato crop in Ireland, and the inadequacy of the wheat crop in England.

1847.]—It was indeed a fortunate circumstance that at this critical moment the repeal of the Corn Laws had authorised the free importation of foreign grain, otherwise the British Isles might have experienced famine in all the horrors we find described in ancient history. Notwithstanding this advantage, however, and the ten millions sterling advanced by the legislature for the relief of the Irish distress, the misery of the peasantry in that country was extreme, many thousands of persons perished by famine, and many more by the pestilence which followed it, till at length the whole fabric of Irish society was dissolved, and the proportion of murders and other outrages against person and property vastly increased. In the southern and western parts the Roman Catholic clergy, many of whom were illiterate, went so far as to denounce by name individuals from the altar, and their assassination speedily followed. Meanwhile many squatters and tenant-farmers prepared for emigration ; so that the population of Ireland was reduced within ten years from 8,175,124 in 1841 to 6,515,794 in 1851. Emigration doubtless caused this to a very great extent, but to famine and pestilence a considerable proportion of the decrease is attributable. Such a reduction indeed has seldom taken place in any country except under the destroying hand of war,

and never probably in modern Europe, except perhaps in the case of Poland. The worst part of the crisis was not experienced in England till the following year, when the numerous failures occasioned by reckless railway speculations and other causes had produced so great a drain of capital that there was not sufficient money left to carry on the ordinary trade of the country, and rich merchants and bankers, who had not taken any direct part in these transactions, became suddenly bankrupt, owing to the failure of their creditors. The consequence was, that trade declined and the industrious classes were thrown out of employment ; this reacted on the state of trade by diminishing the imports, so that every rank, from the highest to the lowest, felt the inconvenience. A brighter day, however, was fortunately at hand ; and towards the close of the year 1847 trade began to recover.

CHAPTER XLI.

VICTORIA ALEXANDRINA.

PERIOD II.

FROM THE THIRD FRENCH REVOLUTION TO THE PEACE
OF PARIS, A.D. 1848-1856.

CONTEMPORARY SOVEREIGNS.

France—REPUBLIC, 1848; LOUIS NAPOLEON ELECTED PRESIDENT, 1849; NAPOLEON III., EMPEROR, 1852. *Austria*—FRANCIS JOSEPH I., 1848. *Prussia*—FREDERIC WILLIAM IV., 1840-1861. *Russia*—NICHOLAS I., 1825-1855; ALEXANDER II., 1855. *Spain*—ISABELLA, 1833. *Pope*—PIUS IX., 1846.

1848—Remedial means for the relief of Scotland and Ireland—Effects of the third French revolution—Meeting of the Chartist on Kennington Common—Exemplary conduct of the citizens of London—Rebellion in Ireland—Improved condition of the Working Classes—Sanitary reforms—Colonial enterprise—Extension of English dominions in India.

1849—Repeal of the Navigation laws—Future prospects of England, and answer to the conclusions of Sir Archibald Alison—Attempts to discover a north-west passage to India—Search for Sir John Franklin.

1850—Dispute on the Greek Question.

1851—Speech of Lord John Russell on the subject of Papal Aggression—Ecclesiastical Titles Bill—Opening of the Great Exhibition of all Nations—Legislation of the Session.

1852—Prosperous condition of the country—Resignation of Lord John Russell, and appointment of a Tory Ministry—Militia Bill—Anxiety as to the fate of Free Trade—Speech of the Duke of Wellington on the National Defences—Sanitary measures—Defeat of the Derby Cabinet, and formation of the Coalition Ministry of Aberdeen.

1853—Interference of Russia in the affairs of Turkey.

1854—Bill for opening the coasting trade of the United Kingdom—Motion for Parliamentary Reform—Declaration of War with Russia—History of the campaign—Battles of the Alma, Balaklava, and Inkermann.

1855—Discontent on account of the mismanagement of the war—Lord Palmerston's administration—Altered condition of England since the last European war—Capture of Sebastopol—Bombardment of Seaborg

1856—Peace of Paris.

1848].—While the British Isles were slowly but steadily recovering from the terrible effects of the famine and commercial crisis which followed close upon it, the political horizon on the Continent of Europe had become suddenly darkened by a storm of no ordinary portent, and the general agitation pre-saged those violent events which render the year 1848 an

epoch in the annals of the world. Although the effects of the famine on the Continent were not equally terrible with those produced in Ireland, by reason that the inhabitants of the latter country subsisted chiefly on potatoes, which were a more complete failure than the cereal and green crops, yet most of the European nations suffered very severely, especially the French. In France the artisans of Paris being driven to desperation, and having no Poor Law to fall back upon, rose in rebellion against the Government of Louis Philippe, who fled to England (Feb. 24) without even making an attempt to roll back the tide of revolution. The Provisional Government which had been installed in place of the monarchy, looking to the example of England, where a loan of £8,000,000 had been authorised by Parliament to meet the emergency, and was being employed in the construction of public works and the supply of seed to the ruined farmers and peasant proprietors of the impoverished districts of Scotland and Ireland, established *ateliers nationaux*, or public workshops for the employment of the famishing artisans; but it was soon found that the system as worked in France was inadequate to meet the emergency, and fraught with many dangers to society; a decree was consequently issued, suspending the Government works; upon which the populace again rose in arms, and barricades were erected in all the principal streets. The Revolution, which had been as remarkable for its bloodless character as for its success, now assumed a more dangerous aspect, and the populace shouted for the Red or Socialist Republic. It was not till after the streets of Paris had flowed with blood for three days, and many thousands of persons had been killed by the soldiers who were ordered to storm the barricades, that comparative order was again restored. The poet Lamartine and General Cavaignac were successively elevated to the supreme administration of affairs, but the choice of the nation finally fixed on Prince Louis Napoleon Bonaparte, son of Louis Bonaparte, brother of the great Emperor, who being chosen to represent the department of the Moselle, in the French Legislative Assembly, was suffered to return to France, and at the general election was returned President for the Republic by an overwhelming majority. The vibration of the Third French Revolution, as this is usually distinguished, was felt throughout Europe, and produced a concussion which caused the thrones of many ancient dynasties to totter to their fall, threatening to drag down with them the whole fabric of society in many of the states of northern Europe. The fact was, that ever since the readjustment of the balance of power by the Congress of Vienna, the cause of liberty had been systematically repressed

by the despotic monarchies, until at length the very semblance of Constitutional Government had been swept away in most of the countries of Europe, and in others reduced to a mere mockery of free institutions. This state of enforced silence naturally produced a reaction, which found an efficient exponent in the French Revolution; and now that the spell was broken, manifested the omnipotence of the popular will, and that in a way too which threatened to overturn all existing institutions. Almost every country of Europe was consequently in a state of confusion and panic, but in England, the just reverence which the people have always entertained for their laws and Constitution prevented any serious apprehensions as to the result, although the peace of society was temporarily threatened by a discontented class, who, devoid of diligence and energy themselves, believed that their grievances were attributable to the mal-administration of Government, and that if the people of London were not overawed by the presence of the military, they would long ago have risen and reformed the administration.

The Chartists, as this party was called, sent delegates to London, who met in a National Convention for the purpose of intimidating the Government and rousing the people to demand revolutionary changes in the Constitution as the only means of removing the evils which they asserted pressed down the working classes. The sovereign remedy proposed by this assembly was "The People's Charter," which should embrace the "five points," viz., annual parliaments, vote by ballot, universal suffrage, electoral districts, abolition of property qualification and payment of representatives. These demands, however visionary or unreasonable, would not have provoked that almost universal hate and detestation with which these agitators were regarded, had they not taken to night meetings and sought to force their opinions of the country by revolutionary methods. Having attempted partial insurrections in some of the chief towns, as Edinburgh, Glasgow, and Nottingham, and finding these easily suppressed, they determined, under the conduct of Mr. Feargus O'Connor, a member of Parliament, to make a monster demonstration in London; and for this purpose they drew up a petition in favour of the Charter, which professed to be signed by five millions of persons, and when it was completed the whole body of its supporters were invited to attend and accompany Mr. O'Connor in procession through the city, who was then to present the petition to Parliament, without disturbance or tumult, as he asserted; but well-grounded fears were entertained that many of the mob would come armed,

and that in the confusion an attempt might be made to surprise the authorities and get possession of the city. This view created great alarm, and at the same time great alertness amongst the respectable inhabitants of London, who hastened to enrol themselves as special constables, while the Government was active in making military preparations, which were, however, to be kept out of sight, to act only as a reserve in the event of the civil authorities being overpowered. The command-in-chief was entrusted to the Duke of Wellington, whose wisdom and foresight were never more conspicuous than on this trying occasion; so that when the threatened 10th of April came, the Chartists, who went in procession to Kennington Common, found the streets lined by 180,000 citizens, sworn in as special constables, but not a soldier was to be seen; the moral effect which the sight of such a number of citizens voluntarily enrolled on the side of order produced on the malcontents was such, that had their numbers been ten times as many, no acts of violence would probably have been committed; as it was, there was no opportunity for disturbance, and the day passed over without any serious casualty. The meeting, having been addressed by Mr. Feargus O'Connor, M.P., and other members of the National Convention, broke up, and the people gradually returned to London by different routes, only parties of eight or ten at a time being suffered to cross the bridges, so that before nightfall the streets had resumed their wonted appearance, and a stranger arriving in the metropolis would certainly not have suspected that London had that day passed through the throes of an abortive revolution. It is curious to note that among the special constables who on that memorable day served in the division commanded by Lord Eglinton was Louis Napoleon Bonaparte, then a refugee in England, but a few months afterwards elected President of the French Republic, and now Emperor. As soon as the petition was delivered it was examined by a committee of the Commons and found to contain less than half the professed number of signatures, and many of these fictitious, so that the whole affair was abandoned; and its supporters overwhelmed with the shame and ridicule necessarily attending so unjustifiable an exhibition of force. Thus ended the hopes of the discontented in Britain; but on the other side of the Irish Channel the symptoms of discontent were much more serious and wide spread. In that distracted country, the people having been almost decimated by famine, and still more disorganized by the change in the cultivation of the soil occasioned through the failure of the potato, were ready to listen to any false-

hoods of designing demagogues, and headed by Mr. Smith O'Brien, a man of good family but of weak intellect, they demanded the dissolution of the Union, and the establishment of an Irish Government. Finding that their demands were not likely to be attended to by the Imperial Parliament, they proceeded to purchase arms, train men, and prepare to wrest that by force which they were not able to procure by peaceable means. The Roman Catholics, however, objected to take part in the movement, because their religious sympathies were not consonant with those of the leaders of the insurrection; and this fact being communicated to the Government, it determined to avail itself of the opportunity to arrest Mr. Mitchell, the editor of *The United Irishman*, who was a man of much more resolution than Smith O'Brien, and therefore much more to be feared. He was tried for seditious writing, and transported. Shortly afterwards, on the 28th of July, Mr. O'Brien, at the head of several thousand insurgents, encountered a body of police, about fifty strong, under Inspector Trant, when, after a skirmish in the cabbage garden of one widow Cormack, near Ballingarry, in which two of the insurgents were killed and three wounded, O'Brien fled, but was arrested at the Thurles Railway Station. In the autumn he was brought to trial, with other leaders of the conspiracy, and received sentence of death, but was afterwards reprieved and transported to Australia, where he abandoned his revolutionary sympathies, and at the general amnesty proclaimed on the termination of the Russian war was suffered to return to his native land. Thus ended this ludicrous insurrection, which is generally designated the "battle of the cabbage stumps."

The feverish excitement which had for the last two years disturbed the whole of Europe now began to subside, and England looked forward with joy to the prospect of returning confidence, which promised a large augmentation of her commerce; for although secure of her internal tranquillity, her interests were so interwoven with those of the Continent, that the shock of revolution, as it passed from France through Austria, Prussia, and Italy, could not but excite the liveliest emotions; but now that those dangers were passed, and the vast system of railways spreading like a network over the whole face of the country, connecting the most distant towns, was open for traffic, a vast improvement took place in every kind of industry, accompanied by a great augmentation in the imports and exports, so that all the necessities, and most of the luxuries of life, which at the end of the last century were only to be obtained by the wealthy, were now within the reach of

every mechanic, and were reckoned amongst the comforts of every-day life.

Nor was it only in cheapening food that the regard of the legislature for the welfare of the industrious classes was observable, the improvement of their dwellings, the cleanliness and comfort of their persons, the sanitary arrangements for drainage, and better medical attendance, were all severally taken into consideration; and although we have to lament that so little has yet been accomplished in this great work of reform, yet it is certainly a gratifying thought that this mighty metropolis, with its three millions of inhabitants, is equal at least in salubrity to the average of the country, and surpasses the boasted climates of Italy, France, and Germany in the average duration of human life.*

Nor were these improvements in the social condition confined to England alone; in all the colonies a spirit of energy and enterprise had become conspicuous, and the natural resources of the several territories were being fast developed. Canada, freed from the restriction of the mother country, cultivated her commerce with the United States, and obtained a ready market for the vast stores of grain raised on the fertile plains of Huron and Upper Canada; while Australia, recovered from the effects of the commercial crisis of 1846, extended her sheep-runs in every direction, and by the discovery of gold in 1851, which caused vast multitudes to flock to her shores from every part of Europe, almost a fictitious value was given to everything, and many feared a period of great distress, as the consequence of the undue influx of population; but matters soon righted themselves, and although many persons who went out with golden expectations have been disappointed, yet there is abundance of occupation, and new states and cities are almost yearly rising where previously the wilderness had held undisputed sway, and where the feet of Europeans had never before trod. In India the grandest undertakings were being accomplished: there the opening of the traffic of the Indus, and the laying of the first line of railway, presaged a revolution in the com-

* Notwithstanding the ravages of the cholera and endemic fevers which are never absent from certain parts of the metropolis, it has been shown by statistics that the average duration of human life in London is now nearly double what it was two centuries ago, and that of all the countries of Europe, England is probably the most salubrious, for if we may rely upon the published statistics of England, France, Prussia, and Austria, the average duration of life in those countries respectively is as the numbers—41, 38, 33, 29—that is to say, every person born in England lives, on the average, 41 years; in France, 38; in Prussia, 33; and in Austria, 29, being 12 years less than in England.

merce of Central Asia, while the annexation of Lahore added above five hundred square miles of the richest territory in India to the dominions of the British crown.*

1849.]—In this year the great question of the repeal of the Navigation Laws came before Parliament, and excited the liveliest interest both in Parliament and out of doors. It was indeed a question of no ordinary moment, for on its propriety, in a great measure, depended the fate of the naval supremacy of Great Britain. Ever since the days of Cromwell the English merchants had enjoyed many exclusive privileges, and the coasting trade had entirely been reserved to native vessels; but these restrictions were incompatible with the development of free trade, and many other causes conduced to recommend their abolition. Many persons, however, acquainted with the shipping interest asserted, and not without some show of plausibility, that if the inducements which led so many of our people to follow the seafaring life were abolished, the English would be supplanted by foreign sailors, who might be engaged at lower wages, and thus the source from which our fleets were manned be entirely annihilated. But these fears, like those entertained on the repeal of the Corn Laws, were groundless, and the field of our commerce has since vastly extended; of the 65,434 vessels carrying 9,957,585 tons, estimated as the total mercantile marine of the world,† England possesses nearly one-half, or 41 per cent.; America 35; and the other countries the remaining 24 per cent. distributed amongst them. It was precisely at the time when we held the command of the sea, and the pre-emption of the markets, that we could afford to throw open our commerce to universal competition; but had we let that opportune moment slip, we might possibly have had to follow in the wake of some more fortunate rival, and take a second instead of a first rank amongst commercial nations; for however local laws and regulations may affect commerce in its infancy, competition is the law by which it must ultimately be tested, and that nation which has the greatest facilities for production and the readiest means of transport must finally prevail in the struggle of industry, unless the civil dissensions of its citizens and the want of security blight the advantages which nature has bestowed. It is, therefore, no unworthy subject of congratulation, that after the abolition of most of our restrictive laws, we find our commerce yearly increasing and our mercantile navy competing

* For further particulars of the Sikh wars, see the chapter on the English colonies and dependencies.

† Report of Mr. Levi, "On the comparative Statistics of the World," read before the meeting of the British Association, December, 1851.

successfully with the shipping of the world; it being, in fact, the most unimpeachable evidence we could have of the inherent vigour and energy of our race, which puts to shame the insinuations of those who assert that England has seen her prime, and, when her meridian has passed, her star will begin to set. We, at least, think otherwise; and while her wealth and her power are employed for the support of justice and liberty, we may safely rely that her political influence will not decay. "From the day," says M. de Lamartine,* "on which the Duke of Angoulême crossed the frontiers of Spain with the avowed object of putting down Constitutional Government by force of arms in the merely dynastic interests of his house, England and the Bourbons ceased to be friends; and Versailles had to lean more and more on the absolutist powers, until it fell at last in trying to pursue their policy."

What could be a higher encomium on the policy of England than this? and while we see the same generous spirit of sympathy extended to Hungarians, Italians, Poles, and all who are struggling for liberty against oppression, we need not fear for the genuine spirit of freedom, or that England is less capable of doing her duty than in the days when Oliver Cromwell threatened to make the English guns heard in the Castle of St. Angelo. Far different, however, are the conclusions which the great Tory historian, Sir Archibald Alison, has drawn from these facts. "If it be true," says he,† "as the wisest of men have affirmed in every age, and as universal experience has proved, that the true source of riches, as well as independence, is to be found in the cultivation of the soil; and that a nation which has come to depend for a considerable part of its subsistence on foreign states, has made the first step to subjugation; the real patriot will find ample subject of regret and alarm in the present condition of Great Britain. Not only are ten millions of quarters of grain, being a full fifth of the national consumption, now imported from abroad, but nearly the half of this immense importation is of wheat, the staple food of the people, of which a third comes from foreign parts. Not only is the price of this great quantity of grain—certainly not less than £15,000,000—lost to the nation; but so large a portion of its food has come to be derived from foreign nations, that the mere threat of closing their harbours may render it a matter of necessity for Great Britain to submit to any terms which they may choose to exact. Our colonies, once so loyal and so great

* "Restoration of Monarchy in France."

† "History of Europe, from the fall of Napoleon in 1815 to the accession of Louis Napoleon in 1852," by Sir Archibald Alison.

a support to the mother country, have been so thoroughly alienated by the commercial policy of the last few years, which has deprived them of all the advantages which they enjoyed from their connection with it, that they have become a burden rather than a benefit. One half of our diminutive army is absorbed in garrisoning their forts to guard against revolt: lastly, the navy, once our pride and glory, and the only certain safeguard either against the dangers of foreign invasion or the blockade of our harbours and ruin of our commerce, is fast melting away; for the reciprocity system established in 1823, and the repeal of the Navigation Laws in 1849, have given such encouragement to foreign shipping in preference to our own, that in a few years, if the same system continue, more than half of our whole commerce will have passed into the hands of foreign states, which may any day become hostile ones." Nor are these fears only conjectural; the example of Rome furnishes a practical illustration of their truth. "The fall of that mighty empire, so long ascribed, in ignorance, to slavery, heathenism, and moral corruption, was in reality brought about by a decline in the gold and silver mines of Spain and Greece, from which the precious metals for the circulation of the world were drawn; at the very time when the victories of the legions and the wisdom of the Antonines had given peace and security, and with it an increase in numbers and riches to the Roman empire. This growing disproportion, which all the efforts of man to obviate its effects only tend to aggravate, coupled with the simultaneous importation of grain from Egypt and Lydia, at prices below what it could be raised at in the Italian fields, produced that constant decay of agriculture and rural population, and increase in the weight of debts and taxes, to which all the contemporary annalists ascribe the ruin of the empire." True it is, as Sir Archibald Alison observes, that the decay of agriculture preceded the decline of the Roman power; but then this is attributable to a different cause, peculiar to the circumstances of that time, and to which there is but little analogy in the present condition of Europe. The encroachments of the patricians on the lands of the free farmers, accumulated in wealthy houses the whole possession of the soil, which was no longer cultivated by the plebeian and hardy husbandmen, but by slaves brought from all parts of the world, who having no affection for the state, nor national ties to bind them to the soil, saw in every change which threatened the destruction of their masters, a pledge of their own emancipation: this was the decay of agriculture which presaged the decline of the Roman power, and drew with it the utter extinction of liberty. In the present state

of circumstances in Europe, little fear is to be entertained of the amassment of enormous properties in wealthy houses, or of the reduction of the free labourer to the condition of the serf; the tendency is the opposite way, and the only danger we have to fear from the innovations of modern times is the too minute sub-division of the land, which renders the farmer subject to every blast of adversity, without increasing the productiveness of the land; in every other respect the possession of a free and independent population, interested in the possession of the soil, is the greatest security a nation can have.

With regard to the importation of corn, the position of Rome and of England was very different: in the former, the whole of the grain imported was paid for in coin wrung from the conquered provinces, or worked by the hands of slaves from the mines of Greece and Spain; in the latter it is paid for by the industry of the people, in exchange for those commodities which England can better produce cheaply than the countries from which the corn is sent, and consequently both are gainers by the exchange.

That an influx of the precious metals without a corresponding increase in the industry and energy of the people is accompanied with danger to the prosperity of a country and a neglect of the useful occupations of civilised life, is abundantly evidenced by the examples of Rome, of Turkey, and of Spain; but that a prosperity founded on industry should be detrimental to the welfare of a state, or dangerous to the lasting interests of mankind, is a problem which still remains to be proved; and a reliance on the wisdom of an all-wise Providence, which has placed the happiness of mankind in the legitimate path of duty, ought to dispel any such unworthy fears. But that which is the most encouraging in the aspect of modern civilisation is that it bears no symptoms of decay; instead of modern luxury, like that of Greece and Rome, enervating the national energies and rendering the population effeminate and debased, the effect is to produce a greater energy of character and a more indomitable spirit of independence. Those nations who at the present possess the greatest amount of wealth are the foremost in arts and arms; and those classes of society who enjoy the greatest amount of luxury are exactly those who take the lead in every hazardous enterprise, whether of war or discovery, as is abundantly testified by the whole history of Europe, and more especially by the numerous expeditions which have been lately fitted out to aid in the search for Sir John Franklin, who left England in 1845 to solve the problem of a north-west passage into the Pacific ocean, but which has since been finally

accomplished by Captain Sir Robert M'Clure. It was when the search for the north-west passage became the search for Franklin that the problem was solved; and, practically, Franklin had solved it. What a batch of naval Paladins were engaged in that search!—Sir James Ross, Austin, Belcher, Collinson, Ommanney, M'Clure, M'Clintock, to say nothing of Richardson and Rae. In a few simple and noble pages Captain Sherard Osborn briefly tells the tale, down to the time when the gallant Fitzjames—the hand of death was also on him—was standing by the death-bed of his chief, and the two messengers came back from King William Land—not quite too late. “The shout of victory which cheered the last hour of Nelson and of Wolfe rang not less heartily round the death-bed of the gallant Franklin, and lit up that kind eye with the last gleam of triumph.” So came the end to Franklin, and presently came the end to all. They had accomplished their task, and had won great honours for their country's flag, but were not destined to be the bearers of the news of their great discovery. It is, however, now clear as a result that there does exist a north-west passage, jammed with ice—generally jammed tight, but at brief intervals open—useless to commerce, useless to man. The advantages derived from the north-western expedition have been of a purely scientific character. But what a race of hardy mariners has been trained up in these northern seas! The old names of Willoughby, of Davis, Hudson, and James Cook, still stand out brightly in the records of England's sea-kings. Take the later cycle, from Sir John Ross's expedition to Hudson's Bay in 1818, till Franklin's departure in 1845, and how much had been achieved, and at how small an expense either of treasure or life! But for the one terrible calamity of the *Erebus* and *Terror*, Arctic exploration has been harmless to all engaged in it. Such expeditions keep up a spirit of chivalry amongst our naval men—and this is not a point to be disdained.

1850.]—This year was marked by the stormy discussion on the Greek question, which for a time threatened to interrupt the friendly relations between the courts of England and France, and occasioned a violent debate in either House of Parliament. In the Lords, the policy of the foreign minister, Lord Palmerston, was condemned, but in the Commons it was strongly approved; and the court of Athens was finally compelled to concede our demands, but not until the port of the Piræus had been blockaded, and the Greek shipping seized.

1851.]—The public attention was soon called off from foreign politics by the Papal brief, which appointed Cardinal Wiseman Archbishop of Westminster, and divided England into a number

of ecclesiastical districts, to be governed by as many Romish priests. One cry of indignation arose from all parts of the country, and when Parliament met at the commencement of the new year, the subject of Papal aggression was brought forward by the Prime Minister, who proposed to introduce a measure for counteracting the ecclesiastical aggression of the Church of Rome.

In moving for leave to bring in a Bill to prevent the assumption of certain ecclesiastical titles in respect of places in the United Kingdom, Lord John Russell prefaced his motion by adverting to the deep interest felt by all classes in the country, denoted by the numerous petitions to the House, and the addresses to the Crown, which cast a serious responsibility upon the Government, as well as to the anxiety with which he approached this important subject, not diminished by the intimations which had recently fallen from certain members in that house. After referring to late occurrences in Ireland—the appointment of Dr. Cullen, the mode of his appointment, and the spirit he manifested; the synod of Thurles, and its dealing with the colleges, and with questions of the occupancy of land—that synod, consisting entirely of ecclesiastics, who had thought proper to prescribe to the Irish people their duties in reference to these questions; he observed that these questions gave warning of other measures on the part of the court of Rome, to be attended with more important results. After a brief allusion to the proceedings of that court in certain Roman Catholic countries, Lord John addressed himself to the subject of the letters apostolic, changing the organization of the heads of the Romish Church in this country, which he declared had been done without the consent or knowledge of the Government of this country. Premising that it was the nature of all ecclesiastical bodies to endeavour to encroach upon the temporal authority—a doctrine more especially true of the Church of Rome*—he proceeded to consider what had been the conduct of other governments with regard to measures of this kind

* Mr. Riddle, in his valuable work on the history of the Papacy, has endeavoured to show that the origin of the spiritual despotism of the Church of Rome is to be referred to the notion infused into the laity, and adopted by them in the second century, that the clergy formed a separate class or caste, divinely instituted and superior to the laity. Upon this foundation, "it was easy to establish the idea that they also possessed the right of dominion," and circumstances operating upon the clerical body from without, and occasionally assisting ambitious views entertained by leading men amongst the clergy themselves, ultimately shaped the Government into that hierarchical form which we see predominant wherever the Church of Rome bears sway.

attempted by the Pope. He showed that in France, under the old Bourbon rule, as well as in more recent times, and even in Austria, the sanction or placet of the sovereign was indispensable to the validity of high spiritual appointments, and he asserted broadly that no Roman Catholic power would permit a bull to be brought into its country without the sanction of some civil authority, and that there was no such power, however weak, upon which the Pope would have attempted to pass such an insult as he had offered to the Queen of England. Lord John Russell then argued from the very terms and language of the letters apostolic, that there was an assumption of territorial power; it was nothing to say the authority could not be enforced: it was enough for him that it was assumed. He next showed, from the earliest history of this country, even in the time of the Conqueror, that our Roman Catholic ancestors were jealous of the encroaching power of Rome, and took measures to check it. Before he indicated the course he intended to propose, Lord John stated that the Government had, in the first instance, consulted the legal advisers of the Crown as to the existing law, who were of opinion that neither by the common nor statute law could the mere assumption of titles be prosecuted as an offence; and that, although the introduction of bulls or writings from Rome was illegal, and subjected the party to penalty, the law had been so long in disuse, that a prosecution would, on that ground, probably fail. After specifying the objections to which other courses were open, the Government, he observed, had, under the circumstances, and with reference to the control which the new Roman Catholic prelates would obtain over large endowments in the hands of Roman Catholic trustees in this country, proposed, in the first place, to prevent the assumption of any title, not only from any diocese now existing, but from any territory or place in any part of the United Kingdom, and to restrain parties from obtaining, by virtue of such titles, any control over trust property. In conclusion, he remarked, the best course Dr. Wiseman could pursue was to renounce the title he had assumed, and, as he assured him (Lord John) was his original intention, to reside at Rome; but if other counsels should prevail, and he should instil motives of ambition or revenge into the court of Rome, we must prepare for a long and arduous struggle, in which the part he should take would be guided by the principles which had always governed his conduct in these questions. He was for the fullest enjoyment of religious liberty, but he was entirely opposed to interference by any ecclesiastics with the temporal supremacy of this realm.

These arguments, however, failed to convince a large proportion of the Commons of the necessity of any special law; and besides the Roman Catholic members and the representatives of the Irish constituencies, who might naturally be expected to be adverse to any such measure, the Bill was opposed by Mr. Hume and many of the Liberals, who argued from the example of the United States, that no free Government had any cause to fear the power of the Pope, and that to make laws against one class of ecclesiastics only was unjust; but the public voice out of doors was strenuous in its demand for an adequate measure to protect the interests of Protestant England against the encroachments of the papacy, and before the second reading many of its adversaries had withdrawn their opposition; but the progress of the Bill was for some time delayed by the ministerial crisis which was occasioned by the defeat of ministers on Mr. Locke King's motion for the extension of the suffrage to £10 occupiers in counties, and the unfavourable reception given by the House to the Chancellor of the Exchequer's proposition for remodelling the Income Tax, and repealing a part of the Window Tax. The opposition, however, was not strong enough to form a Government, and, after many conferences with the Queen, the late cabinet was reinstated. Sir George Grey immediately re-introduced the Ecclesiastical Titles Bill, with the omission of the second and third clauses, and after undergoing several important alterations by Sir F. Thesiger, the Bill was finally passed by a majority of 263 against 46 in the Commons, and received the approval of the Lords.

Second only in interest to the absorbing subject of papal aggression, was the opening of the Great Exhibition of Industry of all Nations, which diverted the public mind in a great measure from the interest usually concentrated on party politics or schemes of legislation. It was certainly an undertaking of such magnificence as the world had never witnessed, and as the exemplar of the many International Exhibitions which have subsequently been held both in England and abroad, possesses particular interest; but as space will not permit us to enter into the particulars of the origin and history of the Exhibition, we must refer our readers to the many valuable histories which have been written of this successful experiment, only premising that the "Crystal Palace," a spacious structure of glass and iron, which had been erected expressly for the display of the magnificent assortment of specimens, natural and artificial, brought together from all parts of the world, was opened by her Majesty on the 1st of May and closed on the 7th October, when 93,000 persons were estimated to have been under one

roof at one time. The greatest number who entered the doors in any one hour, was between eleven and twelve o'clock on the 6th of October, when 28,853 persons were admitted.*

The principal subjects which occupied the attention of Parliament during the remainder of the session, were discussions on the advisability of legalising marriages with a deceased wife's sister, and the admission of Jews into Parliament, both of which were negatived. The remaining measures of the session were Bills for the better regulation of capitular and episcopal estates, for improved administration of woods and forests, and for the removal of Smithfield Market; besides which considerable improvements were effected in the criminal law, and in the procedure of the Court of Chancery, by the appointment of two new judges, who should sit with the Lord Chancellor, and in his absence hear and decide causes or appeals.

1852.]—On the 3rd of February, the session, generally understood to be the last of the existing Parliament, was opened by the Queen in person, with the usual solemnities, and after the discussion of the address, which was assented to without a division, full explanations were offered by Lord John Russell and Lord Palmerston as to the causes of the recent rupture in the cabinet, from which it appeared that Lord Palmerston was supposed to have exceeded his authority as Foreign Secretary, in despatching instructions to the English ambassador at Paris without the knowledge of his colleagues, and in refusing to give such information of his intended measures as the Crown required; the Foreign Minister, however, defended his line of policy during the time he had held the seals of the Foreign Office with such success, that many of the Commons were inclined to support his cause; and when the subject of the reorganization of the militia came on, he carried an amendment against the Government by a majority of 135 to 126, which Lord John Russell interpreted as a vote of non-confidence in the Government, and accordingly tendered his resignation to the Queen, who accepted it, and sent for Lord Derby to form a new cabinet (February). The anxiety of the public at this juncture was extremely great as to the course the Tory administration intended to pursue, for although every one felt convinced that

* The Exhibition was open twenty-three weeks, and fragments of two other weeks, viz., from the 10th of May to the 11th of October, during which time 6,007,944 persons visited the Exhibition, besides which there were six exceptional days, the opening day, and two days at £1, the two exhibitors' days, and the closing day; these gave an aggregate of about 160,000 visitors. The total was thus, in round numbers, 6,170,000, or about 48,000 per day, for 144 days; the greatest number admitted upon any one day being 109,915, on the 7th of October.

a return to protection was impossible, yet it scarcely appeared safe to intrust the carrying out of the free-trade policy to its avowed enemies; the exposition, however, of his intended policy, tendered by the Earl of Derby in the House of Lords, and the large majority of 355 against 165 obtained by the Government on the second reading of the Militia Bill, allayed in a great measure the public anxiety, and strengthened the position of the ministry. It was on this occasion that the Duke of Wellington delivered his memorable speech, which was almost his last, upon the subject of the national defences, in which he compared the efficiency of militia with regular troops, and strongly advocated the adoption of the measure as the commencement of a completion of the peace establishment. "My lords," said he, "I tell you you have never had a proper peace establishment all this time. We are still at peace with all the world; let us, then, have a peace establishment—our constitutional peace establishment; and, when you have got that, see what you will do next. The noble Marquis (of Lansdowne), my noble friend, if he will allow me so to call him, says he thinks he should prefer an army of reserve. An army of reserve! What is an army of reserve? Is it an army to cost less than £40 each man all round? If he thinks that possible, I tell him that we can have no such thing. But what I desire—and I believe it is a desire the most moderate that can be formed—is, that you shall give us, in the first instance, the old constitutional peace establishment. When we have got that, then you may do what you please. But this I can say; in the last war we had in service several regiments of English militia, and they were in as high a state of discipline, and as fit for service, as any men I ever saw in my life; and the proposed body, I have no doubt, after several years' training, will be equally efficient." Besides the Militia Act, several important laws were added to the statute-book between the accession of Lord Derby to office and the dissolution of Parliament, including the New Zealand Constitution Act; several measures of reform in the courts of law and equity; an Act to diminish the technicalities of special pleading, and to amend the procedure in the common law courts; an act to remedy some of the long-standing grievances in the Court of Chancery, by abolishing the office of the masters, and other changes; and an Act to extend the jurisdiction of the county courts. In addition to these, there were several Acts for important sanitary objects, for improving the supply of water to the metropolis, and for restricting intramural interments therein. The success of the Government in thus turning their first short session to profitable account, was referred to in

complimentary language by Lord Lyndhurst shortly before the prorogation took place. The noble and learned lord briefly reviewed the large number of important public measures, and the vast amount of private business pending at the beginning of the session, and then congratulated the ministers that every one of those measures had now become the law of the land, that the whole of the private business had been disposed of, and that the judicial arrears of the House had been wholly cleared off.

But on the re-assembling of Parliament, ministers found the new House of Commons not so tractable as they had expected, and the proposals of the Chancellor of the Exchequer were rejected by a majority of 305 against 286, which necessarily caused the resignation of the cabinet; and as no single party was strong enough of itself to form a Government, the Earl of Aberdeen undertook, with the aid of the Marquis of Lansdowne, to effect an union of the Whigs and the followers of Sir Robert Peel, who, although not numerically strong, comprised many men of great eminence; a coalition ministry was consequently formed (December) on the principle of a compromise; but as the season was now far advanced, the meeting of Parliament was adjourned till the 10th of February in the following year.

1853.]—The horizon at the commencement of the year 1853 was almost without a cloud; and the hitherto unbroken peace, which had prevailed since 1815, between the great powers of Europe, had as fair a prospect of continuance as at any period in the history of the world. But the harmony was not destined to last; and the disruption took place in a quarter where it was least expected. The Czar of Russia, following out the policy of his predecessors, by which one province after another had been formerly wrested from Turkey and annexed to the Russian dominions, he demanded, as head of the Greek Church, to be named by the Sultan protector of the Greek Christians throughout the Turkish dominions, for which a pretext was sought in the disputes then raging between the rival Greek and Roman Catholic Churches, who held possession of the Holy Places in Palestine. France resisted these demands and supported the claim of the Latin Churches, which was also favoured by England; but the Emperor Nicholas feeling confident that no concerted action was likely to be instituted on the part of the two great Western Powers, owing to the recent accession of the Emperor Napoleon, and the peace sentiments so loudly proclaimed by the Manchester school of politicians in England, prepared to enforce his demands by arms. It now became evident that the Porte must either prepare for war or consent to the terms dictated by Prince Menzikoff. In this strait the Sultan appealed to the

English ambassador, who advised him to return a courteous but decided refusal to entertain the proposal, and promised the assistance of his Government in case of extremities. On the 2nd of July, the Russian army crossed the Pruth, and occupied the Principalities, but without declaring war. For some months longer negotiations were still carried on with the hopes of arriving at a pacific solution through the intervention of England and France; but on the 27th of September, no satisfactory reply having been returned by the Emperor Nicholas, the Porte declared war, and Great Britain and France began to despatch troops to the Mediterranean; but as hostilities did not take place until the following spring, it will be requisite before entering into the particulars of the war, to take a brief survey of the progress of events at home. The greater part of the session of 1853 was taken up with discussions on the character of the education imparted at Maynooth College, and the disposal of the clergy reserves in Canada, which latter question excited extraordinary interest in both Houses, it being argued that the Government could not resume what it had once appropriated to educational and ecclesiastical purposes without the charge of sacrilege; but after a protracted debate it was finally determined to leave these revenues to the disposal of the colonial legislature, which, in everything else, was supposed to be competent to the management of its own concerns. Next followed the discussions on the Jewish Disabilities' and Conventual Establishments' Bills. But it was the session of 1854 which was so prolific in important measures.

1854.]—In opening the session, on the 31st of January, the Queen recommended to the consideration of Parliament a Bill "for opening the coasting trade of the United Kingdom to the ships of all friendly nations," and then read a programme of the principal Government measures in contemplation; namely, Bills for effecting improvements in the system of education pursued at the universities of Oxford and Cambridge; a plan for improving the system of admission to the civil service; Bills for transferring testamentary and matrimonial causes from the ecclesiastical to the civil courts, and for giving increased efficiency to the superior courts of common law; a Bill for relaxing the law of settlement which at present "impedes the freedom of labour;" and Bills "for checking bribery and corrupt practices at elections, and giving more complete effect to the principles of the Reform Act of the last reign." Although these measures suffered considerable alteration in their passage through the House of Commons, yet a real and substantial improvement was effected in the mode of legal procedure, and

the coasting trade was thrown open to universal competition. Lord John Russell, however, was not so successful in his attempt to develop the principles of his promised Reform Bill, of which the leading points were—1st, The disfranchisement of small boroughs containing less than 300 electors or 5,000 inhabitants. 2nd, To subtract one member from each place with less than 500 electors or 10,000 inhabitants; to distribute the sixty-two seats thus vacated amongst more influential constituencies. 3rd, The West Riding of Yorkshire and South Lancashire to be severally divided into two electoral districts, returning three members each (making eight new members); all counties and towns having more than 100,000 inhabitants to return three members instead of two, forming an addition of forty-seven members (nine for boroughs, thirty-eight for counties); Birkenhead, Barnsley, and Staleybridge, to be created boroughs, returning one member each; Kensington and Chelsea to form a new electoral district, returning two members; an additional member to be given to Southwark; the inns of court to return two members; and the London and Scotch universities one each. 4th, To make provision for the representation of minorities in districts returning three members, by giving each elector two votes only, so that any section, comprising not fewer than two-fifths of the gross electorate, would secure the return of their candidate. 5th, With regard to the franchise, all who receive a salary of £100 a-year paid quarterly, or £10 a-year in dividends; all who paid 40s. a-year to the income or assessed taxes; graduates of universities; and all who possessed £50 in a savings' bank for three years uninterruptedly, should have the privilege of voting in county or borough elections. 6th, The reduction of the county and borough franchise. 7th, The abolition of the right to vote by freemen (as such) after the expiration of existing interests. And 8th, The repeal of the regulation under the statute of Anne, by which a member vacates his seat on accepting a Government office. Having postponed the second reading of the Bill from the 13th of March to the 27th of April, on account of the state of public business and of the foreign relations of the country, Lord John finally withdrew it, in an eloquent and pathetic speech, which was cordially received by the House.

Nothing was now thought of but preparation for the war with Russia, which became every day more popular, although, it should be remembered, there were none of the usual motives present which ordinarily conduce to this national feeling. There was no apprehension of an invading power that might bring this worst horror to our own shores; there was no desire for

the acquisition of territory, for new havens, or new colonies ; there was no discontent at home to make a misjudging Government attempt “ to busy giddy minds with foreign quarrel : ” but there was a conviction, almost instinctive, that during a quarter of a century there had been one European power growing up in steady preparation for long-cherished projects of aggrandisement—a cold, calculating, tortuous power, terrible in the brute force of its military arm, and inaccessible in its proud despotism to the controlling influence of public opinion. This made the universal voice of the nation declare the war just and inevitable ; and great was the joy when, on the 11th of March, the Queen led the first division of the Baltic fleet out to sea. On the 28th, the declaration of war was published, which set forth that “ the time had now arrived when the advice and remonstrances of the four powers having proved wholly ineffectual, and the military preparations of Russia becoming daily more extended, it is but too obvious that the Emperor of Russia has entered upon a course of policy which, if unchecked, must lead to the destruction of the Ottoman empire. In this conjuncture her Majesty feels called upon, by regard for her ally, the integrity and independence of whose empire have been recognised as essential to the peace of Europe, by the sympathies of her people with right against wrong, by a desire to avert from her dominions most injurious consequences, and to save Europe from the preponderance of a power which has violated the faith of treaties and defies the opinion of the civilised world, to take up arms in conjunction with the Emperor of the French for the defence of the Sultan. Her Majesty is persuaded that, in so acting, she will have the cordial support of her people, and that the pretext of zeal for the Christian religion will be used in vain to cover an aggression undertaken in disregard of its holy precepts and of its pure and beneficent spirit. Her Majesty humbly trusts that her efforts may be successful, and that, by the blessing of Providence, peace may be re-established on safe and solid foundations.” We were thus fairly entered upon a contest in which the strength of the British empire was to be measured against that of a power in some respects the most formidable in the world ; but that strength was to be wielded in the heartiest conjunction with an ally that for centuries has been regarded as our national enemy. The immense importance of this alliance, for rooting out whatever may remain, on either side the Channel, of ancient prejudices, and for enabling both countries to combine their resources for matters of European interest, cannot be too highly rated. We shall have to trace the course of this union in a series of events which

will render the year 1854 as memorable as any period of British history.

The first exploit in the Black Sea was the bombardment of Odessa, which took place on the 21st of April, being provoked by the Russians firing upon a flag of truce and refusing to make satisfaction. After several hours' cannonade from the English and French steam-frigates, the mole, the vessels of war, and the barracks were destroyed; but the greatest care was taken not to injure the town or the merchant shipping. This success was followed by an unfortunate accident. On the 12th of May, the *Tiger*, an English steam-frigate, ran aground near Odessa, and being attacked by artillery from the town, was destroyed, and her crew made prisoners. The loss, however, was soon revenged by Sir E. Lyons and Viscount de Chabannes, who succeeded, with the aid of a body of Turkish infantry, in dislodging the Russians from their stronghold of Redout Kaleh, and in distributing arms and ammunition amongst the Circassian tribes, who immediately rose and expelled their oppressors.

While the allied armies were assembling at Gallipoli and Scutari, in the vicinity of Constantinople, and while the combined naval power in the Black Sea was blockading the Russian fleet in Sebastopol, and occasionally performing some bold exploit, that scarcely affected the general results of the war,—the great armament, under Sir Charles Napier, was sounding the perilous depths of the Baltic, and watching the Russian fleet, which lay safely ensconced beyond the walls of Cronstadt; but the English cruizers succeeded in effecting considerable damage by destroying the timber and naval stores belonging to the Russian Government in the Gulf of Finland, and with the aid of 10,000 French troops, who were conveyed in English vessels from Boulogne, the strong fortress of Bomarsund, situated on one of the Aland islands, was taken and dismantled, 2,000 Russians laying down their arms as prisoners of war.

“The details of this enterprise produced a singular effect upon the British public. Bomarsund was built of granite; Bomarsund had fallen; the granite was not impregnable; why is Cronstadt spared? The English fleet and the French troops were destined to leave the Baltic without accomplishing the work which public opinion demanded, the ‘wish’ being ‘father to the thought.’ We had to learn, after the experience of a protracted campaign, that granite forts are only to be thrown down by unremitting toil, by experienced science, by calculating forethought—amidst privation and sickness, and laments for the fallen. These evils appal not the brave heart that is familiar with such labours and miseries; but they teach stern truths in

sad realities, which we are apt to forget in our mere historical reading, but which come home to our understandings when the veil is removed from the generalisations of a campaign by the vivid sketches of our special correspondent."

The administration of Lord Aberdeen decided, and wisely, that in a war with Russia for the defence of Turkey, the part to strike at was Sebastopol, the great centre of the Russian power, as aggressive against Turkey, and that it was futile to assail its extremities. But before this enterprise could be undertaken with safety it was necessary to see whether the Turks could maintain their position in the Principalities which had been already occupied by a Russian army. The first campaign, however, on the Danube was sufficient to show that the Turks were quite able to hold their own in Europe. In the very first battle they had defeated the Russians, with great loss, near Oltenitza; and afterwards, when hard pressed, Omar Pasha entrenched himself at Silistria, thus delaying the progress of the enemy till he could bring up his siege train. For two long months during the heat of summer the Russians closely beleaguered the place, but the Turks fought with their traditional obstinacy and repelled every assault. All eyes were now turned towards this one point, for if Silistria fell the Russians might cross the Danube in safety and advance on Constantinople; but if the defence were prolonged even for only a few weeks they would be inevitably compelled to retreat, and leave the forces of the allies, which were commanded by Marshal St. Arnaud and Lord Raglan, better known as Lord Fitzroy Somerset, at liberty to carry the war into the enemy's territory by attacking Sebastopol, from whence, before the declaration of war, had issued the armament which had destroyed the Turkish ships in the port of Sinope.

The months of July and August were months of dire calamity for the allied armies on the shores of the Black Sea, and for the fleet at Baltchik Bay. The mortality from the cholera was terrible; but as soon as the malady began to abate, orders were given for the troops to embark for the Crimea, and on the 14th of September, the first division of the allies landed at Old Fort, about thirty miles from Sebastopol; the four following days were taken up in landing stores and ammunition, but on the 19th the combined forces commenced their march, and reached the little stream of the Bulganni, where they halted for the night; on the morrow they resumed their march before day-break, and by noon arrived at the Alma, where they found the Russians posted on the commanding heights beyond, defended by a trench and several batteries, which commanded the passes of the river.

“On approaching near the guns” (says Lord Raglan’s despatch), “which soon became extremely formidable, the two leading divisions deployed into line, and advanced to attack the front, and the supporting divisions followed the movement. Hardly had this taken place, when the village of Bouliouk, immediately opposite the centre, was fired by the enemy at all points, creating a continuous blaze for 300 yards, obscuring their position, and rendering a passage through it impracticable. The two regiments of Brigadier-general Adams’s brigade, part of Sir de Lacy Evans’s division, had, in consequence, to pass the river, at a deep and difficult ford to the right, under a sharp fire; whilst his first brigade, under Major-general Pennefather, and the remaining regiment of Brigadier-general Adams, crossed on the left of the conflagration, opposed by the enemy’s artillery from the heights above, and pressed on towards the left of their position with the utmost gallantry and steadiness. In the meanwhile the light division, under Sir George Brown, effected the passage of the Alma in his immediate front. The banks of the river itself were, from their rugged and broken nature, most serious obstacles; and the vineyards through which the troops had to pass, and the trees which the enemy had felled, created additional impediments, rendering every species of formation, under a galling fire, nearly an impossibility.” Nor were the difficulties to be overcome by our allies (the French) of a less formidable nature; but the soldiers of either nation vied with each other in deeds of daring, and by six o’clock in the evening the allied armies encamped on the very bivouac of the Russians. The comparative merits and peculiar characteristics of the two armies have been thus truthfully summed up:—“There is this very peculiar feature about the action—that we had the very thing to do which we alone could have done, and that the French had to do work for which they were particularly suited. Ours it was to face steadily the fire of tremendous batteries; to advance with a rush, steady and sure, and resistless as the swell of the ocean, against a wall of fire and solid masses of infantry; to struggle on, at one time overwhelmed by crashing volleys of grape and musketry, at another disorganized by round shot, winning the ground from death at every pace; to form tranquilly and readily, when thrown into momentary disorder, and at last to nail victory to our colours by the never-failing British bayonet. On the other hand, the French had to scale the sides of steep ravines, covered with dense masses of infantry, supported by clouds of skirmishers; they had to clamber up rocky steeps defended by swarms of sharpshooters; they had to gain a most difficult position, with quickness and alacrity.

Delay would have been fatal; slowness of movement would have lost us the battle, for without the French on the heights on our right we must have been driven across the Alma, as they would have been swept into the valley had we failed in carrying our batteries. Their energetic movements, their rapid flame-like spread from crag to crag, their ceaseless fusillade of the deadly rifle, were all astonishing, and paralysed the enemy completely. We, perhaps, could never have made such a rapid advance, or have got over so much ground in the same time." But after the victory of the Alma had been gained, there were still many dangers and difficulties to encounter; the road to Sebastopol lay across a hilly country, and the necessity of securing the port of Balaklava caused the allies to forsake the main road, and to traverse a country covered with woods, guided by the direction of the compass alone; but the Russians were too panic-stricken to make a stand, and on the approach of the allies, they retired from Balaklava, leaving the town to be occupied by the English, who, with the assistance of the ships under the command of Sir E. Lyons, soon reduced the forts, and thus established a communication between the land forces and the fleet. This victory, if it may be so called, was magnified by rumour into the taking of Sebastopol, and for several days it was believed throughout Europe that the strong fortress of the south had fallen; but when the authentic intelligence arrived an evident disappointment was to be read in the countenances of all, and many expressed a wish that a *coup de main* had been attempted on the first flush of victory; and this probably would have been the wisest plan, for although many thousands would have perished in the attempt, the loss would have been nothing to compare with the tens of thousands who perished by fatigue, famine, and cold, during the protracted siege. Russian authorities, however, maintain that Menschikoff's army, although shattered, was strong enough to have prevented such an attempt. The march to the south of Sebastopol, too, has been also held to be an error of judgment, and if we measure that movement by the subsequent calamities of the siege, we may incline to that opinion. But, with the very imperfect information which was then possessed by the allies as to the strength of the defences and the abundance of the Russian resources, it must be admitted that the allied generals adopted what, in a military point of view, was a safer position, through the possession of two harbours and landing places, and an uninterrupted communication with the fleet, than if their base of operations had been on the coast north of Sebastopol. The first bombardment of the 17th October, showed that we had underrated the strength of the works, and

the bold manœuvre of the Russians in sinking their ships at the entrance of the harbour deprived us of the expected co-operation of the fleet and crippled our sea attack. Admiral Lyons produced some slight effect on the outer works by the fire of the fleet, but the ships could not approach sufficiently near to silence the forts Constantine and Alexander which commanded the passage. Encouraged by the arrival of vast reinforcements, the army of Menschikoff became the assailants, and on the 25th October made an attack on the English position above the port of Balaklava. At first they surprised several redoubts which were defended by Turkish troops, but were speedily dislodged and finally repulsed, not, however, without the loss of the light cavalry brigade, which by some unaccountable blunder was ordered to charge the whole Russian army. These gallant men, who were commanded by the Earl of Cardigan, never questioned the feasibility of this extraordinary order, but instantly dashed into the thickest of the foe, to the great dismay of their friends, who beheld them from the surrounding heights, and the wonder of the enemy, who, being taken by surprise, let them proceed so far as to sabre the gunners at their batteries ; but of the 600 who rode in only 200 returned unscathed. Ten days afterwards was fought the ever-memorable battle of Inkermann, which may be regarded as the first great turning-point of the siege. The Russian army, swollen by reinforcements from the Danube, as well as by the combined reserves of all the southern provinces, and animated by the presence of the Grand-Dukes Michael and Nicholas, again ventured to renew the attack, and fought for seven hours a most desperate engagement ; until Canrobert, who had succeeded Marshal St. Arnaud, coming up with a portion of General Bosquet's division, attacked them on the flank and compelled them to retreat with a loss of about 8,000 men left dead on the field, besides the wounded who were carried away by their comrades during the action. Never was there a more brilliant victory gained than this, which may be correctly described as a soldiers' battle ; for, owing to the mist and darkness, the officers were unable to ascertain the disposition or strength of the enemy, his basis of operations, or which were the salient points of attack, so that all depended on the individual courage and discipline of the men. The troops engaged on this occasion were mainly the brigade of guards, supported by several line regiments, mustering in all about 8,000 of all arms ; and of these more than a quarter were wounded in the action, besides 462 killed. The denseness of the fog and the smallness of the allied forces prevented them from pursuing the enemy, estimated at between 50,000 and 60,000 men, into the valley, or else the

carnage would have been much more terrible. The year closed most inauspiciously for the allies, for although victorious in every engagement, their army was comparatively small, and much exhausted by its previous fatigues, whilst sufficient shelter from the inclemency of the weather and other requisite precautions had not been taken, so that their numbers were fast diminishing through disease and famine. Dysentery and cholera spread through the camp, now a mere quagmire; the commissariat suddenly collapsed under the extra strain put upon it, and the stores of food and warm clothing, which had been sent out from England for the troops, had been nearly all cast away in the fearful storm which swept over the Black Sea and the port of Balaklava, on the fatal night of the 14th of November. From this date to the commencement of the new year, nothing further was attempted either by the enemy or ourselves, for winter had set in and the siege was practically in abeyance; our batteries were nearly silent, the camp had become one vast swamp, the roads were ploughed up by the passage of the heavy siege guns, and the horses and mules perished by hundreds from cold and starvation; indeed the men were in but little better plight than the beasts of burden, for the tents having been swept away like so many wisps of straw in the great hurricane, they were now obliged to lie in the exposed trenches, with nothing but a little half-rotten straw between them and the bed of mud; while the Russians, better provided with stores, and having the shelter of the town, appear never to have fully realised our disabled condition, and occupied the leisure afforded them by the cessation of our fire in strengthening their fortifications, in which they displayed such engineering skill as to call forth the admiration of their scientific enemies. At length the numbers of the English became so miserably diminished that the prophecy of the Emperor Nicholas, "that he would send the English away in one ship in the spring," appeared but too likely to have been verified had not our generous allies, the French, assisted us, so far as they were able, with their stores and reserves. Immediately the intelligence of the sufferings of our brave soldiers in the Crimea became known in England it called forth one universal expression of sympathy and indignation. In looking back upon the calamities which thus stirred the heart of England to a degree that has scarcely been paralleled in modern history, it is satisfactory to know that they were not the results of any false economy; and that the Government spent freely what the people gave liberally. It was very different in 1811, when Wellington wrote, "The soldiers in the hospitals die because the Government have not money to pay for the hospital neces-

saries, and it is really disgusting to reflect upon the distresses occasioned by the lamentable want of funds to support the machine we have put in motion." Liberal subscriptions flowed in from private sources for the purchase of whatever small comforts and luxuries could be procured for the relief of our suffering soldiers in the bazars and stores of Constantinople. The Queen sent them wine and the Prince Consort tobacco; but the most generous of all the sacrifices made for their relief was that of the lady nurses, who, under the guidance of Miss Nightingale, left their comfortable English homes and repaired to the military hospitals of Scutari, there to attend the wounded, the sick, and the dying, to listen with that womanly sympathy and thoughtful kindness which only occur to the female instinct. From first to last, it is estimated that near £1,000,000 was contributed from private sources to meet this sudden emergency. Public opinion, however, soon roused that administrative energy without which no private exertions could have been effectual, and the new year witnessed a vast change in the whole conduct of the war.

The other memorable events of this year were the occupation of Athens by the forces of the allies, in order to prevent the Greek Government, which sympathised with Russia, from taking any active part in the war, the return of the Baltic fleet to English waters for the winter without having effected anything of moment, except the capture of Bomarsund; and the successful termination of the voyage of discovery intrusted to Captain McClure and Sir Edward Belcher, who entering the polar seas, the one from the Pacific and the other from the Atlantic, met near Melville Island, thus proving the existence of a north-west passage, though in too high a latitude to be available as a new route to India. It was also in this year that the Crystal Palace, which was removed at great expense from Hyde Park to its present commanding site at Sydenham, was opened in person by her Majesty on the 10th of June, as a permanent memorial at once of the Great Exhibition of 1851 and of the refined taste and patriotism of the great and good Prince through whose skill and energy that noble enterprise was originally undertaken and successfully carried through.

1855.]—The mismanagement of the war, and the lavish expenditure it had occasioned, created, as we have before seen, general dissatisfaction in England; and when Parliament met in the beginning of February, Mr. Roebuck moved for a select committee to inquire into the causes of the failure of the Crimean expedition: upon which the Earl of Aberdeen, Lord John Russell, and the Duke of Newcastle retired from office, leaving

the Earl of Derby and the Conservatives in the majority; but after several ineffectual attempts to form a new political combination, Lord Palmerston was entrusted with the re-modelling of the cabinet upon the same principles as the last. In this administration Sir George Cornewall Lewis became Chancellor of the Exchequer, Lord John Russell Colonial Secretary, and Sir Charles Wood First Lord of the Admiralty. It was certainly a noble sight, to see the energy with which the nation turned to war after the enjoyment of forty years of peace; for although the greater part of the time a pestilence was in our towns, which was committing ravages as fearful as those of war,* nevertheless every other thought was absorbed in the contemplation of the battle-field, thus practically illustrating the truth of the observation of a great politician now no more. "The resources created by peace," said George Canning, on the occasion of a meeting at Plymouth in 1823, "are means of war. In cherishing those resources we but accumulate those means. Our present repose is no more a proof of inability to act, than the state of inertness and inactivity in which I have seen those mighty masses that float in the waters above your town, is a proof that they are devoid of strength, and incapable of being fitted out for action. You well know, gentlemen, how soon one of those stupendous masses, now reposing on their shadows in perfect stillness—how soon, upon any call of patriotism or of necessity, it would assume the likeness of an animated thing, instinct with life and motion—how soon it would ruffle, as it were, its swelling plumage—how quickly it would put forth all its beauty and its bravery, collect its scattered elements of strength, and awaken its dormant thunder. Such is one of these magnificent machines when springing from inaction into a display of its might—such is England herself, while, apparently passive and motionless, she silently concentrates the power to be put forth on an adequate occasion." This occasion had now arrived,—not only the honour of the country, but the very existence of our institutions was at stake, for the maladministration of the war, and the combined imbecility and unthriftiness displayed by the departments of Government most directly concerned, had led to a doubt whether our institutions were in accordance with the requirements of modern times, or whether some sweeping changes would not have to be submitted to before the country could be considered safe. There was an influential peace party in Parliament. There were dissensions and changes in the cabinet. There were insidious negotiations abroad, carried on

* In the summer and autumn months of 1854 no less than 26,722 persons perished by cholera in England, of whom 11,777 died in London.

by the enemy to embroil us with the United States of America, which expressed an unholy sympathy for despotism. We felt some of the inconveniences, whilst we acknowledged the overbalancing benefits, of a perfectly unrestricted press. It was at this period, so uncertain as to the future, so disappointing in many of the incidents of the present, that the spirit of the people rose above every political combination and every diplomatic intrigue; and Lord Palmerston having fortunately been called to power, he soon showed by his vigorous administration that the fault rather lay in the want of system and capacity in those who had previously conducted the war than in any collapse of the English institutions.

Besides the administrative reforms at home, various innovations in military science were improvised, with the object of economising human labour, so that the soldier might be left to his own proper work, without being worn out as a bearer of burdens. What the elephant does in India by dragging the ponderous cannon up the mountain pass, the railway was to do in the ravines of Balaklava. In a few months a line was constructed by the late firm of Messrs. Peto, from the port to the front of the English position, so that ready means of transport was at all times available, whatever might be the state of the weather, or in whatever condition the roads. When spring allowed of the renewal of active operations, the prospect of the scene was altogether changed, not more by a change of season than by a change of policy. All the great necessities of the mighty enterprise in which we were engaged had to be anticipated anew, for science, during the half century since the close of the last great European war, had made such strides as to render the antiquated forms of procedure inapplicable to the present position of affairs. In a few months more the electric spark was to convey daily intelligence from Sebastopol to London, beneath that sea which was separated from England by 3,000 miles. Wonderful agency! before which all other agencies for connecting the distant with the near, and binding the past to the present, shrink into prosaic feebleness! What a contrast in this particular did England, watching for the fall of Sebastopol, present to Greece, watching for the fall of Troy! The telegraphs of Greece were mere fire-beacons. The noble passage in the "Agamemnon" of Æschylus, shows how the blaze travelled from hill to hill, and from isle to isle:—

"'Twas Vulcan, sending forth the blazing light,
From Ida's grove, and thence along the way
Hither the estafette of fire ran quick:
Fire kindled fire, and beacon spoke to beacon."

“It is my intention,” said Lord Palmerston in the House of Commons, on the 26th of April, 1855, “to request my noble friend at the head of the War Department to urge upon the Commander of the Forces to let us have every day some information of what is passing at the seat of war.” Every day! perhaps every hour! hot from the terrible siege, rushes the lightning spark over land and sea. In the presence of such an agency can the most torpid of administrators remain unmoved? With the electric telegraph came fixed resolves, and with them the determination to sweep away the worst of those administrative evils through which the army had been sacrificed and the nation dishonoured. An entirely new system was introduced into the commissariat, which was formed into a distinct branch of the service, with a sufficient staff of experienced and energetic officers; the duties of the War-Office were separated from those of the Colonial Office, and a Secretary of State for War appointed, with his separate establishment of clerks and officials. The first to fill this onerous post was the Honourable Fox Maule, afterwards Lord Panmure.

About this time, the position of the allies was further strengthened by an alliance with Austria, which power, although not taking any active part in the war, undertook to occupy the Principalities jointly with Turkey, that they might not again be seized upon by Russia, and a treaty of alliance, offensive and defensive, was concluded with the patriotic King of Sardinia, who supplied a well-equipped contingent to take part in the active operations of the siege, which was now being pushed forward with great vigour. It now became the turn of the Russians to experience the bitterness of disappointed hopes, for the stubborn defenders of Sebastopol received the depressing intelligence that the grand army of relief, which they had been anxiously looking for all the winter, had perished in the snows, and on the 2nd of March the Emperor Nicholas died, as some say, of fatigue and disappointment, but others by poison administered by his own command, in order that he might leave the way open to his successor to treat of peace without tarnishing the national honour of Russia. It being conceived that the greatest obstacle to peace was now removed, Lord John Russell proceeded on a mission to Vienna, but the negotiations proved abortive, through the obstinacy of Russia, and the war continued; but a decided triumph still seemed far distant. The Russian army in the Crimea offered a brave resistance; and although they failed in raising the siege, the allies were unable to produce any impression on the forts by three successive bombardments. On the 18th of June, the anniversary of the

battle of Waterloo, the English attempted an assault, but were repulsed with a loss of near 1,500 in killed, wounded, and missing. This reverse is supposed to have produced so great an impression on Lord Raglan, that his spirits from that day began to droop, and on the 28th he died of cholera, and was succeeded in his command of the English by General Simpson, while General Pelissier replaced General Canrobert in command of the French.

The Russians, finding themselves every day harder pressed, made a last attempt to dislodge the allies, and, dashing against the French and Sardinian position, were disastrously driven back at the Tchernaya Bridge, with great loss. The season being now far advanced, and the trenches approached within two hundred yards, on the 8th of September the allied commanders ordered the final assault, being determined, if possible, to carry the town before the winter season should set in. The French, whose parallels were further advanced than ours, succeeded in capturing the Malakhoff, a fort of immense strength, and which proved to be the key of the Russian position; but the English were not equally successful in their attempt to storm the Great Redan, for though the storming party delivered the assault with undaunted courage, and for one hour and twenty minutes held the works against overwhelming odds, they were inadequately supported, and, after a desperate struggle, were finally overwhelmed and precipitated into the ditch beneath, with a loss of 2,447 in killed, wounded, and missing. The general voice much blamed the English commander for his want of foresight, order, and arrangement in the planning and carrying out of this assault, but its effect in diverting the attention of the enemy while the French established themselves in the Malakhoff, in no small degree contributed to the final triumph of the allies, who on the day following entered the doomed city only to find it deserted by the Russians. During the preceding night preparations had been made by the English for the renewal of the assault on the Great Redan; but when morning broke it was discovered that the Russian general, Gortschakoff, had retired with the shattered remains of his army to the heights on the northern side of the harbour, having first destroyed so much of the fortifications as they were able, and sunk the fleet, in order that it might not fall into the hands of the allies, who nevertheless captured an immense amount of military stores, comprising 128 bronze cannon, 3,711 iron ordnance, 407,314 round shot, 101,155 shells and bombs, 630,000 ball cartridges, and 525,009 lbs. of powder.

Although the great fortress of the south had fallen, the Russian

power in the Crimea was still unbroken and the allies apparently did not consider it safe at this late season of the year to commence a new campaign in the open country, for nothing of any moment was done before the commencement of winter drove both armies into winter quarters. The English, who occupied nearly the same spot as that where they had passed the disastrous winter of 1854-5, employed themselves in the dismantling of the Russian fortifications, blowing up the docks, making roads, and in the strengthening of their position against a sudden surprise of the enemy. This year, however, due care had been taken to supply the soldiers with comfortable wooden huts, made in England, all ready to be put together, instead of tents, which were unfitted for the severity of the Crimean winter; and when the 56,000 British troops in the Crimea retired to their winter quarters, they found themselves surrounded with every possible comfort, with abundant food, sufficient shelter, and excellent clothing. To the new levies this state of things could afford very little notion of the privations to which those who had preceded them had been subjected. The health of the army was as good as if they had been encamped on some of the heaths of England, with all the means of civilised life around them.

Whilst the siege of Sebastopol was progressing, the allied fleet in the Black Sea, under Admiral Lyons, was busily employed in capturing Kertch, Yenikale, Kinburn, and other fortified places on the coast, and in the destruction of the immense magazines of provisions and military stores in the Sea of Azoff, upon which the Russians mainly depended. In the Baltic, Admiral Dundas commanded the fleet, but with little more success than his predecessor, for although he took his ships within sight of St. Petersburg, it was not considered safe to attack the granite forts of Cronstadt, and he therefore contented himself with the bombardment of Sweaborg and the destruction of naval stores along the Gulf of Finland.

The close of the year which saw the fall of Sebastopol found the alliance between the two great Western powers, England and France, even more cordial than at any previous period of the war. In April, the Emperor Napoleon, with his beautiful consort, the Empress Eugenie, had paid a complimentary visit to our sovereign, and was enthusiastically received by the people; and in August, Queen Victoria, accompanied by the Prince Consort, returned the visit and spent some time in Paris, where the International Exhibition was then being held, and even made a pilgrimage in company with the Emperor to the tomb of the great Napoleon in the Hotel des Invalides, not the least remark-

able proof of the *entente cordiale* then existing between the representatives of the two great rivals. The blood too which had been mingled on the battle-field had not been in vain, for either nation learnt, by closer connection, to appreciate the national characteristics and generous qualities of the other, and thus the mutual jealousies and national rivalries, which for centuries had separated the two countries, were to a great extent healed, and both perceived that they had a common interest in defending the civilisation and liberty of Western Europe against the military despotism of the great Northern empire. While, on the part of Russia, the effects of the war had already proved most disastrous; she had up to this period lost near half-a-million of men, mainly through exhaustion in traversing the vast distances of the empire; her finances were crippled; her foreign commerce utterly ruined; her fleets sunk or rotting in harbour; her great southern arsenal captured, on which she had expended so many millions of money; her military *prestige* in the East gone; her warlike stores destroyed; her capital insulted by the enemy's fleets; and a victorious army encamped upon her soil. Under these circumstances, it was felt to be the manifest interest of Russia to accept any reasonable terms of peace which might be consistent with the national honour; but the traditional obstinacy and pride of the Czars would, it was feared, blind the Russian Court to all considerations of prudence—a conclusion which seemed to be confirmed by the address of the Russian general to his army after the fall of Sebastopol, in which he asserted that it was the Emperor's intention, “now that the army was free to act in the open country, to defend to the last the sacred soil of Russia.”

1856.]—The new year opened with the sounds of military preparations on all sides, for it now became clear that Russia did not intend to relinquish the Crimea without a life and death struggle, and that if the war were to be carried to a successful termination, it would tax all the resources of the allies. So far as England was concerned, the prospect was not looked upon with the same anxiety as at an earlier period of the war, for the nation was generally prosperous, and now well prepared to sustain her part in the struggle. Even the enormous expenditure which it must necessarily involve was regarded with comparative complacency, while France, true to her national instincts, was most jealous of her military renown, but was chary of her resources, and unhesitatingly expressed herself anxious for the restoration of peace, if it were possible to be attained without sacrificing the objects for which the war had been originally commenced. The Court of Vienna at this juncture having

sounded the allies as to the terms which would be accepted as the preliminaries of peace, and finding that they were still willing to forego any individual advantages, so that the general interests of Europe were secured, offered her good offices to Russia, which power, contrary to expectation, readily embraced the proffered opportunity, and preliminaries having been agreed upon at Vienna, the Conferences were adjourned to Paris. At the commencement of the negotiations an armistice was concluded till the 31st of March, so that the Russian War may be said virtually to have terminated on the 29th of February, when a limited intercourse commenced between the officers and men of the respective armies. On the 30th of March, the day before the armistice was to have expired, the Treaty of Peace was signed at Paris, the contracting parties to it being, besides the allies, Austria, Prussia, and Russia. The terms decided upon were,—“That all the territories acquired in war by any of the belligerents should be reciprocally restored and evacuated as soon as possible; that Russia should relinquish her demands that led to the war, and abolish her protectorate over the Danubian Principalities; that all prisoners of war were to be immediately given up on either side, and all the subjects of the allies or of Russia who may have been compromised by any participation whatever in the events of the war, in favour of the cause of the enemy, to be included in the general amnesty.” Other articles then follow, upon the due execution of which, in a just spirit, the peace of Europe may in future depend. The more important of these are those which guarantee the independence and territorial integrity of the Ottoman empire, the enjoyment of equal rights by the Christian subjects of the Porte, under the firman recited in the 8th Article of the treaty, which, however, expressly states, that this concession is not to be understood as giving the said Powers the right to interfere, either collectively or separately, in the relationship of his Majesty the Sultan with his subjects, nor in the internal administration of his empire; the neutralisation of the Black Sea, which was declared henceforth free for commerce to all nations, but closed to ships of war, except only a specified number of vessels, to be maintained severally by Russia and Turkey for the purposes of maritime police; the renewal of the ancient rule of the Ottoman empire relative to the closing of the Straits of the Bosphorus and of the Dardanelles against the ships of war of all foreign powers during the maintenance of peace; the free navigation of the Danube, which was to be cleared of sands at its mouths and placed under a permanent commission for its conservation and police, each of the contracting powers being authorised to

station two light vessels at its mouths in order to secure the execution of the regulations relative to the liberties of that river, which were declared to be part of the public law of Europe; the maintenance or establishment of military-maritime arsenals on the coasts of the Black Sea were in future prohibited, either by Russia or Turkey, as unnecessary and purposeless, since the neutralisation of the Black Sea. By the 20th Article the Emperor of Russia consented to the rectification of his frontier in Bessarabia, and by the 22nd and 23rd Articles, the Principalities of Wallachia and Moldavia were to continue to enjoy, under the suzerainty of the Porte and the guarantee of the contracting powers, an independent and national administration, as well as full liberty of worship, of legislation, of commerce, and of navigation; also by the 28th and 29th Articles, the independence and national administration of Servia were guaranteed, but on condition that it continue to hold of the Sublime Porte, who is to retain the right of garrison. A separate convention provides that the Aland Islands shall not be fortified, and that no military establishment shall be maintained or created there. The plenipotentiaries of Great Britain, Austria, France, Prussia, Russia, Sardinia, and Turkey being assembled in congress at Paris, it was hoped that before they separated some solution might be arrived at with regard to the affairs of Italy, Poland, and Hungary, which threatened at no distant time to again embroil Europe; but the preponderance of despotic principles amongst the great European Powers precluded the possibility of any satisfactory conclusion being come to on these questions. A general declaration, however, was agreed upon, defining the maritime law of nations and regulating the position of neutrals during the time of war, with a view of putting an end to privateering, as opposed to the principles of modern civilisation. By this declaration, it was also agreed that the neutral flag covers enemy's goods, with the exception of contraband of war, and, conversely, that neutral goods are not liable to capture under the enemy's flag; also, that blockades, in order to be binding, must be effective, *i.e.*, in sufficient force to prevent all access to the enemy's ports. Though designed in the interests of peace, this declaration was not entirely approved in England, for though in most instances it would operate to our advantage as neutrals, yet in the event of England being engaged in a life and death struggle with any of the great European powers, it would deprive her of the full use of her maritime resources—the only arm on which she could rely with confidence. Upon the exchange of the ratifications, the evacuation of the Crimea commenced immediately, and the armies of the several nations

embarked for their different countries, having first dismantled the fortifications and utterly ruined the docks, arsenals, and blockhouses of Sebastopol. The two Houses of Parliament, in approving the treaties which had recently been concluded, expressed their confidence in her Majesty's Government, and passed a vote of thanks by acclamation to the officers and men, both of the naval and military services, for their gallant conduct during the war; as a special mark of honour, the Queen distributed medals, with clasps bearing the names of the battles they had served in, to those who had most distinguished themselves during the campaign; and, as a permanent memorial of the peace, the Queen instituted a new order of merit, to be called the "Victoria Cross," not confined to any rank or class, but equally attainable by all, as a recognition of extraordinary valour or services performed in the face of the enemy. It was stated by Lord Panmure in Parliament, that from the 19th of September, 1854, to the 31st of March, 1856, the total loss of the army during the war by death, was 270 officers and 19,314 men; with the addition of 2,873 men discharged as incapacitated. Of these, not more than 4,000 fell in battle, or died from the wounds received in actual warfare; but this loss does not include that of the naval arm. The French loss has been estimated at 63,500 men. The destruction of life in the Russian army has been calculated by some at half a million of men, chiefly worn out in traversing the vast distances of the empire to reach the seat of war. Such an estimate, however, can be little more than a very loose guess at the probable results of the military system of Russia. It is a point deserving of notice, in looking at these returns, that the English loss, notwithstanding the disastrous winter of 1854-5, was only one-third that of the French, who certainly had not more than three times as many troops engaged, and, besides, were nearer their base of operations. How this fact is to be explained, taking into account the collapse of our military system at home, I will not venture to affirm, but it would seem to show that the much-vaunted French military organization, in its practical operation, must have proved even less efficient than our own. I am the more particular in calling attention to this fact, as it is now almost universally the fashion to accept as an axiom the foregone conclusion, that a despotic government is far more likely to succeed in military operations than a constitutional, and there are certainly *primâ facie* reasons for jumping at such a conclusion; but history would not seem to warrant it, for we find that nations in general are industrious, brave, and virtuous in the proportion in which they are in the enjoyment of liberty. To take

this present campaign for an example at the time of the conclusion of peace, all the great military powers engaged had already exhausted their strength, and were longing for peace, while England, only just warmed into the strife, was in a better condition to continue the struggle than at the commencement of the war. Public confidence had returned, and with it trade had revived, political agitation had almost died out, and the national spirit had resumed its wonted elasticity under the energetic administration of Lord Palmerston, whom the war had called to power. The amount of the debt, funded and unfunded, created by the war, was £41,041,000.

CHAPTER XLII.

VICTORIA ALEXANDRINA.

PERIOD III.

FROM THE PEACE OF PARIS TO THE ASSEMBLING OF
THE REFORMED PARLIAMENT. A.D. 1857—1868.

CONTEMPORARY SOVEREIGNS.

France—NAPOLEON III., EMPEROR, 1852. *Austria*—FRANCIS JOSEPH I., 1848. *Prussia*—FREDERIC WILLIAM IV., 1840-1860; WILLIAM I., 1861. *Russia*—ALEXANDER II., 1855. *Spain*—ISABELLA, 1833-1863; PROVISIONAL GOVERNMENT, 1869. *Pope*—PIUS IX., 1846.

- 1857**—War with Persia and China—Indian Mutiny—Commercial dishonesty and monetary crisis—Separation of the Civil and Ecclesiastical jurisdictions—Marriage declared a civil contract—Courts of Probate and Divorce constituted.
- 1858**—Suppression of the Mutiny in India, and transfer of the Government to the Crown—Treaty of Tien-Tsin—Jealousy of French interference touching foreign refugees in England—Lord Derby Premier—Jews' Oaths Bill—Constitution of the Metropolitan Board of Works.
- 1859**—Ministers, being in a minority on the new Reform Bill, dissolve Parliament—Lord Derby superseded by Lord Palmerston as Premier—Early closing movement—Punishment of the hulks abolished, and flogging in the army prohibited—Property in slaves declared illegal—Trades' Union outrages at Sheffield—Strike in the building trades—Volunteer movement.
- 1860**—The Queen reviews the Volunteers in Hyde Park—French campaign in Italy against the Austrians—Treaty of Turin—Sympathy of England in the Italian War of Independence—Second Chinese war—Capture of Pekin—Massacres in Syria—Commercial treaty with France—Invention of iron-plated war-vessels and rifled ordnance—Commencement of the Civil War in America for the abolition of slavery—Affair of the *Trent*—Strong passions excited in England—The blockade of the Southern States cuts off the supply of raw cotton from England—Misery throughout the cotton-spinning and ribbon-weaving districts—Famine in India—New Order of the Star of India.
- 1861**—Increase in the population as shown by the Decennial Census—Effects of Emigration—Beneficent influence of Free Trade—Abrogation of the Paper Duties—Imprisonment for debt abolished, except in cases of fraud—Death of the Duchess of Kent and of the Prince Consort.
- 1862**—International Exhibition of Fine Arts and Industry—National Education—Fortification of the royal dockyards and arsenals—The colonies to assist in their own defence.
- 1863**—Reluctance of England to join France in the recognition of the

Southern Confederacy—Escape of the *Alabama* and other vessels from English ports to prey upon American commerce—Widespread distress in the cotton-spinning districts—Prosperous condition of English commerce—Marriage of the Prince of Wales with the Princess Alexandra of Denmark—Proposed transfer of the Ionian Islands to the kingdom of Greece—Reduction of taxation—Mr. Gladstone proposes to omit the clauses exempting funds invested for eleemosynary purposes from payment of income-tax—Attempts to remodel the Established Church—Debates on the Irish Church.

1864—Abolition of transportation to penal colonies—Question of the unrestrained sale of intoxicating liquors—Hostilities with Japan, China, Brazil, Mexico, the Ashantees, and Maories—Failure of the Conference at London to effect a compromise in the Dano-German quarrel.

1865—Apprehensions of a rupture with the United States on the conclusion of the civil war—Fenian organization in America for the liberation of Ireland—Extraordinary precautions taken for suppression of the Fenian conspiracy—Rinderpest.

1866—Opening of the new Parliament—Disturbances in Jamaica—Roman Catholic Oaths Bill—Question of Parliamentary Reform—Death of Lord Palmerston—The Russell-Gladstone administration—Secession of the Adullamites—Failure of the Liberals to carry their Reform Bill—The Earl of Derby constructs a cabinet on Conservative principles—Hyde Park disturbances—Victory gained by Prussia at Sadowa—Unsettled state of affairs on the Continent—Monetary crisis in England.

1867—Parliament opened by the Queen in person—Confederation of the British North American colonies—Amendment of the Poor-Law—Commission to inquire into the proceedings of Trades' Unions—Disruption of the Cabinet—Ministerial Reform Bill—Household Suffrage modified by the personal payment of rates accepted as the basis of the franchise in boroughs—Redistribution scheme—Alterations effected by the new Reform Act—Mass-meetings in support of Parliamentary Reform—Injudicious conduct of the Reform League—The Fenians design to surprise Chester Castle, and make an attack on the police-van at Manchester—Three of the political conspirators executed—Diabolical attempt to rescue prisoners confined in Clerkenwell House of Detention—Settlement of the Luxemburgh difficulty through the intervention of England.

1868—Abyssinian campaign—Reform Acts for Scotland and Ireland—Attempt on the life of the Duke of Edinburgh—Suppression of the Fenian conspiracy in Ireland—Resolution for disestablishing the Irish Church—Abolition of the compulsory collection of church-rates—Act for prevention of bribery—Promissory Oaths Bill—Capital Punishment within prisons Bill—Abolition of flogging in the army—Dissolution of Parliament—Resignation of Ministers—Strength of the Liberal Party in the new Parliament.

1857.]—When Parliament met on the 3rd of February, the Speech from the throne announced that this country was at war both with Persia and China, on which a warm debate arose as to the justice or expediency of these wars, and Earl Grey moved an amendment to the Queen's Speech, condemnatory of the Government for not calling Parliament together when hostilities were deemed necessary with Persia; but the amendment was

lost and the Government policy endorsed by a majority of 33. The Chancellor of the Exchequer then explained that only half the extraordinary expenses would be paid out of the national exchequer, and the other half out of the Indian treasury ; but when the discussion of the Chinese war came on, about three weeks later, the Government were in a minority on Mr. Cobden's motion, asking for a select Committee to inquire into the state of our relations with China, and declaring it to be the opinion of the House that the papers which had been laid on the table failed to establish satisfactory grounds for the violent measures resorted to at Canton in the late affair of the *Arrow*, the resolution being carried by 263 to 247 ; upon which Earl Granville intimated that the Parliament would be dissolved as soon as practicable, only those measures which were absolutely necessary being proceeded with in the present session, in order to take the sense of the country on so material a question of public policy. Meanwhile the war with Persia, which had only been commenced the preceding season, was brought to a successful termination by a brief but brilliant campaign in the Persian Gulf, in which Sir James Outram, seconded by Generals Havelock and Stalker, won much renown to the English arms, and compelled the Shah of Persia to evacuate Herat, the seizure of which, in contravention of a previous understanding with the British Government, had originally occasioned the commencement of hostilities. The Treaty of Peace, which was signed at Paris, on the 3rd of March, further pledged the Shah of Persia to abstain from all intervention in the affairs of Afghanistan ; but that if any occasion of dispute should arise in that quarter, he would claim the friendly mediation of England. The war in China, which had sprung out of the non-fulfilment of the treaty of 1842, by the Chinese authorities, was brought to a sudden stand through the outbreak of the Indian Mutiny, which taxed the whole resources of the British empire. The authors and perpetrators of this unparalleled atrocity were men in our own pay, and whom we had ourselves trained to arms after the most approved European tactics, so that the danger was greatly enhanced, and the want of any specific grievance adequate to account for so sudden and barbarous an outburst, still further complicated the difficulty by precluding the possibility of ascertaining the extent or possible ramifications of the mutiny. It at first appeared to be confined to our native army in Bengal and Oude, which was composed chiefly of what is called "high-caste" Sepoys, a class whose social and religious susceptibilities rendered them extremely jealous of the introduction of European customs and manners,

and was consequently regarded as a war of fanaticism ;* but it soon became evident that it was closely connected with a widespread conspiracy, which had been for several years concocting amongst the Mohammedan chieftains of the north of India, who only availed themselves of the religious scruples of the too credulous Hindoos to further the projects of their private ambition. This new aspect of the mutiny had both its favourable and dangerous diagnosis, for, although it showed that the revolt was rather a class or military conspiracy than a national outburst of religion and patriotism, it likewise left no room for doubt that it was more widely extended than had originally been suspected, embracing races of widely different origin and rival creeds. Both Mohammedans and Brahmins became of a sudden inspired with an unwonted anxiety for the safety of their national creeds, and endeavoured to rouse the religious susceptibilities of the people ; but the agriculturalists and inferior caste Hindoos showed no symptoms of affection for the leaders of the revolt, and remained neutral, if not individually favourable to the English, whom they rightly regarded as the authors of their physical and social well-being. In fact, the very reasons which rendered the English dominion hated and dreaded by the upper or military classes, endeared it to the great majority of the people, who preferred the enlightened and liberal administration of their Christian rulers to the tyranny of their native chieftains. In January, and the following months, there were mutinies of single regiments at Barrackpore, Lucknow, and other places, which were readily suppressed ; but the first serious outbreak took place at Meerut in May, when the 3rd regiment of Bengal cavalry, and the 11th and 20th regiments of native infantry, rose in open rebellion and massacred their European officers, together with their wives and families, in cold blood. Immediately on the arrival of a detachment of European troops the mutineers broke and fled ; but those who were not shot down made their escape to Delhi, where they were joined by other native regiments, and where the atrocities which had been perpetrated at Meerut were repeated, so that within the space of a very few days every European resident had perished by assassination. The revolt, which at first had appeared local, now became general, and the whole of the Sepoys in the province of Bengal rose in open

* It is curious to note that in the counter proclamation issued by the Begum or ex-Queen of Oude, it is assumed as a fact that "the rebellion began with religion, and for it millions of men have been killed. Let not our subjects be deceived, thousands were deprived of their religion in the north-west, and thousands were hanged rather than abandon their religion."

mutiny, seizing the arsenals. At one time it was thought that India was lost to the English, and the Emperor of the French chivalrously proffered his aid, which was necessarily declined. The Pasha of Egypt too, at this imminent crisis, allowed British soldiers to be conveyed through his territory, so that in a very short time a large number of European troops had reached the scene of conflict. The march of Havelock from Allahabad, with the troops recently returned from the Persian war, and such other Europeans as could be mustered, numbering in all not above 2,000, struck the first blow to the mutiny, and saved the British empire in India ; although not in time to save the lives of the English residents and officers, who were cruelly murdered, with their wives and families, by the savage Nana Sahib, to the number of 200, and their mutilated bodies thrown into a well ; yet he was in time to deal signal vengeance on the miscreants, whom he defeated in two several engagements before Cawnpore and Bithoor ; and having fired the latter place, marched on for the relief of Lucknow, which he entered on the 25th of September, in time to save the Europeans besieged in the Residency. On the following day he took the enemy's entrenchments, but was unable to proceed further for want of reinforcements, having only 2,500 troops at his command ; with which small force he had already gained ten signal victories.

Meanwhile the siege of Delhi, which had been commenced in June by General Anson, with a small body of British troops, and a contingent furnished by the Ghoorkas, a hill tribe of hardy warriors, who greatly distinguished themselves during the campaign, was now being pressed forward with vigour by General Wilson, who had succeeded to the command, in place of Generals Anson, Barnard, and Reid, who had all successively perished by cholera. On the 14th of September, a practicable breach having been effected, the assault was delivered, but the fighting continued in the streets till the 21st, when the whole of the city fell into the hands of the British forces. The loss in killed and wounded is stated at 1,178, but the speedy capture of the city was all important, for the mutineers had selected it as their head-quarters, and had proclaimed the old king of Delhi Emperor of Hindostan. This misguided prince, who was the last representative of the Mogul emperors, and a pensioner of the English East India Company, was made prisoner on the taking of the city, and with two of his sons brought to trial before a special court-martial.

Sir Colin Campbell, who had assumed the command of the army, now marched for Lucknow, where the brave Havelock and his small band of heroic men were still besieged by overwhelming forces of the enemy ; and having routed them, Sir

Colin brought out the garrison and gave them instructions to return to Calcutta, in order that they might enjoy some repose after their excessive labours ; but the gallant Havelock, who had undergone such marvellous privations for the rescue of others, at length succumbed to the effects of fatigue and dysentery, and, before reaching Calcutta, died on the 22nd of November. As a national acknowledgment of his services, Parliament voted a handsome pension to his aged mother, and the Queen bestowed the dignity of a baronet on his youthful son, now Sir Henry Havelock.

The attention of the Government, as we have seen, being mainly occupied with the affairs of India and China, no statutes of any importance were passed till after the assembling of the new Parliament, which took place on the 30th of April. Then several measures of great social interest were introduced, especially characteristic of the age in which we live. Foremost amongst these are the Acts relating to the winding up of the joint-stock companies, and for the punishment of frauds committed by trustees, bankers, and other persons entrusted with property, the latter containing a clause making it a misdemeanour "for any director, manager, or officer of a body corporate or public company to circulate or publish any written statement or account which he shall know to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such company, or with intent to induce any person to become a shareholder or partner therein, or to entrust his money or property to such company." The frauds of trustees of individual property are more effectually reached by this Act, and such frauds have at all times been common ; but there must surely be something peculiarly rotten in a social condition in which not only is it necessary to provide against the falsifying of accounts, but also the wholesale deception of the public by boards of fraudulent managers and directors, whose utter want of honesty and commercial morality have brought discredit on the nation, and lost to England her old national character for fair dealing and uprightness of conduct. It will be sufficient to mention the names of Sadler, Robson, Redpath, and the directors of the Royal British Bank, to recall to the memory of the reader the circumstances which necessitated these Acts, and which so lowered the tone of commercial morality, that the public lost confidence in all banks and companies whatever until the reaction produced a monetary crisis which involved hundreds of mercantile houses in ruin. The large shipments of bullion from this country to the East, on account of the Indian and China wars,

further tended to tax the resources of the Bank of England, which was obliged to apply to the Government for a relaxation of the Bank Charter Act, and necessitated the calling together of Parliament at the unusual period of December, for the purpose of passing a Bill of Indemnity. Contrasting strangely with the above-mentioned Acts, were those for the Establishment of Reformatory and Industrial Schools, in which the youthful offender might be saved from utter ruin, and destitute and disorderly children reclaimed; thus at once exhibiting the opposite phases of modern society, in which unblushing villany and Christian philanthropy strive with each other for the ascendancy. But that which renders this session of Parliament—perhaps more than any other session in our history—remarkable in a constitutional point of view, was the almost final separation of the Civil and Ecclesiastical Jurisdictions; a reform which the sage Henry II. strove to accomplish in vain, and which was subsequently rendered famous by the struggle of the High Commission Courts against the Common and Statute Law, but which was finally accomplished by the statute of 20 and 21 Vict., cap. 77, abolishing the testamentary jurisdiction of the Ecclesiastical Courts, which was transferred to a Court of Probate, under one judge, who exercises the same authority throughout all England as the Prerogative Court used to do within the province of Canterbury; and in connection with it forty district registries have been established throughout England and Wales. In the same session was passed the Act for amending the law relating to divorce and matrimonial causes, by which marriage was virtually rendered a civil contract, though allowed to be performed by duly qualified ministers of religion, who are bound to make a periodic return of all marriages solemnised by them to the Registrar, the sole authority for rendering marriage binding. Under this Act, a new Secular Court, presided over by a puisne judge, was constituted with exclusive jurisdiction in matrimonial and divorce causes, which were taken away from the province of the Ecclesiastical Courts, whose jurisdiction is now confined to the granting of marriage licences.

1858.]—By the beginning of the new year the English supremacy in India was completely restored, and the flying columns of British and Sikh troops soon cleared the whole of the province of Bengal of Sepoys, who made their last stand in the newly-acquired kingdom of Oude, where the real strength of the rebellion seems to have lain. That a terrible retribution was inflicted upon such of the traitors as were taken red-handed, there can be no doubt; but it was only too richly

merited, and it must be stated in praise of the clemency of the Government, that no endeavours were made, after the military revolt was stamped out, to trace out those who had fled for shelter into the mountains, or returned in disguise to their native villages.

The violence of the shock of the social earthquake that had passed over India was attested by the ruin with which it was overspread. Of the famous native army of Bengal, which at one period almost equalled in numbers and efficiency the royal army of England, not a vestige now remained, at least as the soldiers of the East India Company, and in some districts large bodies of desperate rebels, who knew that they had too fatally compromised themselves to hope for pardon, roamed through the country, supporting themselves by plunder and endeavouring to incite the inhabitants to insurrection. The extermination of these marauders and the re-establishment of order taxed the utmost energies of the military authorities, to whom the administration was now confided; for unless the campaign were terminated before the commencement of the hot season, there was likely to be a terrible sacrifice of officers and men from the effects of the climate. The break-up of the old system of Indian government rendered imperative the adoption of administrative measures of no ordinary kind, and it now became almost a matter of necessity that the Imperial Government should assume the responsibility of governing India, and not leave it any longer in the hands of a commercial company. The wonder indeed is, not that the administration of the East India Company should have at length broken down, but that it should have maintained its authority so long, considering the irresponsible and heterogeneous character of the late Court of Directors, in whom the power was vested.

On the 12th of February Lord Palmerston moved for leave to bring in a Bill to transfer to the Crown the government of all the territories now in the possession or under the government of the East India Company; but owing to the change in the Administration consequent on the misunderstanding with France, the Bill was not proceeded with, and the second Bill to the same effect, subsequently introduced by Mr. Disraeli, also fell to the ground, but on the recommendation of Lord John Russell, the House finally proceeded by way of resolutions, the Government offering no opposition to this course. The first resolution in favour of transferring the government to the Crown was agreed to after some debate, but without a division, and the second resolution respecting the mode of administering Indian affairs was carried with a slight modification of its terms;

but the final passage of the measure was delayed till August by discussions on the policy of Lord Canning's Oude proclamation and on the conduct of Lord Ellenborough, who, in order to relieve his colleagues from responsibility, resigned the office of President of the Indian Board. To carry into effect the provisions of this Act, a Council was appointed with a Secretary of State for India at its head, consisting of fifteen persons, who may be said to be the virtual rulers of that vast empire under the immediate supervision of the Imperial Parliament, so that from this time the East India Company ceased to exercise any administrative functions, and again became a commercial corporation. After the passing, in the month of August this year, of the Acts which abolished the East India Company and transferred our Indian possessions to the direct government of the Crown, a royal proclamation was drawn up and transmitted to the Governor-General, who, on the 1st of November, published it at Allahabad; and which, as the great charter of Indian liberty, or rather as the concordat under which the future administration of that Government ought to be carried on, is deserving of special notice. The following are some of its most material provisions:—

“We hereby announce to the native princes of India that all treaties and engagements made with them by or under the authority of the Honourable East India Company are by us accepted and will be scrupulously maintained; and we look for the like observance on their part.

“We desire no extension of our present territorial possessions, and while we will permit no aggression upon our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others. We shall respect the rights, dignity, and honour of native princes as our own; and we desire that they, as well as our own subjects, should enjoy that prosperity, and that social advancement, which can only be secured by internal peace and good government.

“We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects; and those obligations, by the blessing of Almighty God, we shall faithfully and conscientiously fulfil.

“Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of religion, we disclaim alike the right and the desire to impose our convictions on any of our subjects. We declare it to be our royal will and pleasure that none be in any wise favoured, none molested or disquieted by reason of their religious faith or observances, but that all shall alike enjoy the equal and impartial protection of

the law; and we do strictly charge and enjoin all those who may be in authority under us, that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure. And it is our further will that, so far as may be, our subjects, of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified by their education, ability, and integrity duly to discharge.

“We know and respect the feelings of attachment with which the natives of India regard the lands inherited by them from their ancestors, and we desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and we will that, generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India.

“We deeply lament the evils and misery which have been brought upon India by the acts of ambitious men who have deceived their countrymen by false reports and led them into open rebellion. Our power has been shown by the suppression of that rebellion in the field; we desire to show our mercy by pardoning the offences of those who have been thus misled, but who desire to return to the path of duty.

“Our clemency will be extended to all offenders, save and except those who have been or shall be convicted of having directly taken part in the murder of British subjects. With regard to such the demands of justice forbid the exercise of mercy, and to those who have willingly given asylum to murderers knowing them to be such, or who may have acted as leaders or instigators in revolt, their lives alone can be guaranteed, &c.

“When, by the blessing of Providence, internal tranquillity shall be restored, it is our earnest desire to stimulate the peaceful industry of India, to promote works of public utility and improvement, and to administer its government for the benefit of all our subjects resident therein. In their prosperity will be our strength, in their contentment our security, and in their gratitude our best reward. And may the God of all power grant to us and to those in authority under us, strength to carry out these our wishes for the good of our people.”

Several native addresses to the Queen, expressive of their loyalty and attachment, were signed on the occasion of the royal proclamation in the several provinces of India, and even the somewhat severe proclamation for the disarming of the warlike population of the province of Oude, requiring all talookdars, gemindars, and other natives of that province to

deliver up their arms and ammunition at the nearest police-station, under pain of imprisonment with flogging, within one month from that date, was sullenly complied with, although it must have been felt as a severe blow by the proud aristocracy of Oude.

The Chinese war, which had been interrupted by the sudden outbreak of the Indian mutiny, was now resumed with increased vigour, the policy of the Government in inaugurating it having been approved by the nation at the general election, which greatly strengthened the position of ministers. The failure of Lord Elgin's mission to Peking having demonstrated the futility of all attempts at conciliation, and the Chinese authorities having meanwhile insulted France, the combined fleets bombarded Canton, and shortly after captured Commissioner Yeh, the governor of the province, who was sent a prisoner to Calcutta. The allied fleets then entered the Peiho river, and the Chinese authorities being terrified by the display of power and the evident determination of the allies, were driven to conclude the treaty of Tien-Tsin, conceding to the English additional facilities for commerce, the opening of several new ports, and the right to maintain a resident minister at Peking. The treaty further stipulated that the Christian religion should be tolerated throughout the Chinese empire, and that Europeans might visit any part of China unmolested.

While these events were passing in the East, the intimate friendship which had existed between England and France was partially interrupted by the attempt of certain infatuated conspirators against the life of the Emperor of the French. A strong conviction prevailed among certain classes in France that the law of England afforded an improper degree of shelter and countenance to foreign refugees and incendiaries, and that in neglecting to take means for preventing such conspiracies as that which had nearly proved fatal to the Emperor's life, England had not acted the part of a sincere and faithful ally. Some strong expressions of this feeling found utterance in the semi-official columns of the *Moniteur* and other organs of the French press, and in the congratulatory addresses of the colonels of the French army, who demanded to be led against "perfidious Albion." Such attacks on the English people and institutions naturally provoked a sentiment of national irritation, and when the Prime Minister introduced a Bill to amend the law of conspiracy, it was indignantly rejected in the House of Commons. The idea that France should assume to dictate to us the duty of altering our laws and restricting the liberty of our soil for the protection of foreign Sovereigns was not to be

tolerated, and led to political consequences at home of no slight importance. After a long and animated debate, in which most of the eminent men on either side of the House took part, and which is specially interesting in a constitutional point of view as illustrating the growing indifference to party distinctions, a division against the Government was carried by 234 to 215, in consequence of which Lord Palmerston's ministry resigned. The Earl of Derby, having been commissioned to construct a cabinet on the 1st of March, made a full statement of the views and intentions of the new Government with respect to all the leading questions of public interest, especially our relations with France, the Government of India, the Chinese war, and Parliamentary Reform, on which latter subject he promised shortly to bring in a comprehensive measure. On the assembling of the House of Commons, on the 12th of March, Mr. Disraeli, as Chancellor of the Exchequer, had the gratification of announcing that "those painful misconceptions," which had subsisted for a time between the French and English Governments, had "entirely terminated in a spirit friendly and honourable, and in a manner which will be as satisfactory to the feelings as it will be conducive to the interests and the happiness of both nations," as would appear from the despatches of the French Government, which, as soon as her Majesty's permission should be obtained, would be laid before the House. The attention of the House was then called by Mr. Kinglake to the question of the *Cagliari*, a steam mail-boat plying between Genoa, Cagliari in Sardinia, and Tunis, and belonging to a steam-boat company in Genoa. This vessel, which had been captured on the high seas by Neapolitan cruisers, had on board two English engineers, who were imprisoned and harshly treated by the Neapolitan Government, notwithstanding the remonstrances of the English and Sardinian Governments against such violation of the law of nations. The debate on this affair, although involving no great principle, called forth some strong expressions of feeling. Mr. Roebuck, in his usual animated style, stated that the Neapolitan Government had committed an act of piracy, and instead of using "amiable" language, he would have spoken with cannon shot; while Mr. Gladstone declared that he had seen, with pain, astonishment, and shame, that the duty of vindicating the law of nations and the rights of Englishmen had been left to the minister of a foreign power, and, without wishing to censure any Government in particular, called for immediate action in this matter. Other questions of social interest, as Competitive Examination in the Army, Manning the Navy, Naval Defences,

Church Rates Abolition, the Legality of Marriage with a Deceased Wife's Sister, Special Commemoration Services of the Church of England, and Revision of the Liturgy, were discussed with various results. Other important measures discussed and passed during the session, were the Repeal of the Property Qualification for Members of Parliament; the Oaths Bill, admitting Jews to Parliament by enabling the members of either House of Parliament to dispense with the objectionable clause in the oath, and the constitution of the Metropolitan Board of Works, with authority to provide for the complete drainage and paving of the metropolis, and the purification of the river Thames.

1859.]—On the opening of the Parliamentary session of 1859, the Queen delivered the Royal Speech in person; and after about a week's time, Mr. Disraeli, as Chancellor of the Exchequer, gave notice that on the 28th of February he would ask leave to bring in a Bill to amend the Representation of England and Wales, and to facilitate the Registration and Voting of Electors. The Bill contained many clauses tending to extend the franchise laterally rather than vertically, and gave the right of voting to most educated persons, who had been overlooked by the Reform Act of 1832; yet, on the whole, its main provisions were too narrow and restricted, and were severely criticised by Lord John Russell, Mr. Roebuck, and Mr. Bright. The second reading having been fixed for the 21st of March, the following amendment was moved by Lord John Russell, "That it is neither just nor politic to interfere in the manner proposed in this Bill with the freehold franchise as hitherto exercised in the counties, and that no re-adjustment of the franchise will satisfy the House or the country which does not provide for a greater extension of the suffrage in cities and boroughs than is contemplated in the present measure." After a debate which lasted several nights it was carried against Ministers by a majority of 39 in a House of 621. This vote led to the dissolution of the Parliament; for, as the Chancellor of the Exchequer informed the House, the Government felt conscious that it had done nothing to forfeit the support formerly given to it, and, in consequence, they had felt it their duty to advise her Majesty to exercise her prerogative to dissolve Parliament. The writs for the new Parliament, which was the sixth of Queen Victoria, were issued on the 23rd of April, and the result of the elections proving unfavourable to Lord Derby and his colleagues, they resigned their posts, but not before a second vote of censure had been carried by a majority of 13 as an amendment to the Address from the Throne. The new Administration, under the premiership of Lord Palmerston, included

Lord Campbell as Lord Chancellor, Mr. Gladstone as Chancellor of the Exchequer, Lord John Russell, created Earl Russell, at the head of the Foreign Office, the Duke of Argyll as Lord Privy Seal, and Sir Charles Wood as Secretary of State for India. On the 30th of June the Premier laid before the House a statement of the ministerial policy, but the much-vexed question of Parliamentary Reform was, as it were by mutual consent of all parties, allowed to remain in abeyance. Several measures, however, of social reform were inaugurated with great advantage to the community. On the 10th of April, 1859, 200 ministers of the Gospel, in London and its neighbourhood, preached sermons advocating the early closing movement as a means of affording time for mental improvement to the assistants in shops and warehouses. In the same month an influential meeting was held at Willis's Rooms in support of the Metropolitan Drinking Fountain Association, with the Earl of Carlisle in the chair, when speeches were delivered by the Earl of Shaftesbury, Lord John Russell, Earls Ducie and Albemarle, and others, with the object of furthering the benevolent project so admirably set on foot by Samuel Gurney, M.P., at whose expense the first drinking fountain was erected at the corner of St. Sepulchre's Churchyard, Snow Hill. The system of punishment by committing convicts to the hulks was finally abolished this year, and the case of a man named Davis, who was nearly flogged to death at Woolwich, led to a modification of the rules of military discipline, and eventually the punishment of flogging has been prohibited by a vote of Parliament. A deputation of the British and Foreign Anti-Slavery Society, with Lord Brougham at its head, waited on the Secretary of State for the Colonies, to remonstrate against the continuance of the immigration of Coolies into the West Indies, as being only another form of slavery, and ultimately led to measures being taken by the Government to modify this traffic, which was carried on under the name of apprenticeship for a fixed number of years at a stipulated remuneration; but the inability of the Coolies to enforce the conditions of their contracts enabled the planters to treat them almost as slaves. An important decision in the Court of Common Pleas was about the same time (July 1st, 1859) obtained in reference to English companies and individuals who held slave property in foreign countries. The plaintiff in the case was a Brazilian, and the defendants were British subjects domiciled in Great Britain, and members of the Imperial Brazilian Mining Association. The Court held that, even previous to 1843, British subjects were forbidden from purchasing slaves in any part of the world, certain British colonies excepted. The result of this judgment

was, that the negroes purchased by the many Anglo-South-American mining and other companies, which sprang up in the earlier part of the present century, were declared to have been illegally acquired, and were consequently restored to liberty. Nearer home, too, abuses of a most flagrant character were brought to light, showing that the social progress was not altogether satisfactory, and disclosing an enormous amount of ignorance and prejudice amongst the artisans and working classes of England.

On the 11th of January, in this year, an attempt was made to blow up a house in Sheffield, in which resided Linley, a saw-grinder, in consequence, as is supposed, of his refusing to join the Union of that trade. The perpetrators of this crime, although probably known to many persons, were not discovered to be brought to justice, until nine years afterwards, when a Royal Commission was appointed to inquire into outrages committed for Trades' Union purposes. Then it was proved that the villain Broadhead, as secretary of the Saw-grinders' Union, had hired assassins to perpetrate this and other like crimes, but which were unfortunately condoned by the principal instigators appearing before the Commission to give evidence. This year also witnessed one of the greatest industrial contests of modern times, occasioned by the strike of the large body of mechanics employed in the building trades of the metropolis, who demanded that the hours of labour should be reduced from ten to nine per day, without any reduction of the rate of wages. The strike was directed in the first instance against Messrs. Trollope and Sons, but all the other large builders, conscious that they in turn would be subjected to the same treatment, made common cause, and closed their establishments until Messrs. Trollope's firm resumed operations. As a guarantee for the future, the employers demanded that the workmen, on being re-engaged, should promise to strike their names off the roll of any society which should presume to interfere with the amount of remuneration or length of time, a condition which was indignantly rejected by the men, who were supported in their strike for above three months by the contributions of the numerous trade societies in the metropolis and the provinces, until at length an accommodation was effected in the month of November, when the great public works which had been suspended were again resumed; but the widespread misery and privation caused by the strike continued to operate on the public health during the whole of the winter. In mitigation of the evils which thus invariably attend the recurrence of strikes, an Act has been passed regulating the law of contracts, so that a strike in any trade may be pleaded in bar of damages

for non-fulfilment of the conditions of the contract, to the extent of the time delayed by such strike; and in some quarters attempts, not without success, have been made to substitute courts of arbitration for the settlement of trades' disputes, instead of the barbarous and suicidal process of masters and workmen endeavouring to starve out each other through the agency of strikes, and their counterparts, locks-out. Without trenching on the province of political economy, it may be as well here to observe that the only real regulator of wages is the public demand for the articles produced, whether they be houses, ships, manufactures, or agricultural produce, and that the value of all commodities fluctuates according to the well-established laws of supply and demand; the demand in most instances increasing with the lowness of the price at which the article can be produced, so as to leave a profit to the producer, after paying the workman's wages.

Turning from the complex and much-vexed question of the reciprocal relations of capital and labour, which must shortly engage the attention of the reformed Parliament, we have to record the triumph of a grand national movement, which at once exhibits the noblest qualities of the English character and the vitality of our political constitution,—I mean the formation of a Volunteer Army of Reserve,—the need of which was first brought home to the conviction of the people by the menacing aspect assumed by France on the late occasion of the Orsini conspiracy, when the French press and army vied with each other in abusing our country and its freedom; indeed, had it not been for the wisdom and moderation displayed by the Emperor Napoleon at this critical juncture, the feeling of irritation engendered between the two nations would, in all probability, have led to an attempted invasion of our shores. This grand movement was inaugurated by a Circular of the Queen, issued on the 12th of May, 1859, giving the Government sanction to the formation of Volunteer Corps formed of companies of citizen soldiers, who paid their own expenses of drill and uniform, but were to be armed with Enfield rifles at the cost of the State, in the proportion of 24 rifles to every 100 volunteers; but as the utility and popularity of the newly-constructed force increased, the Government allowance has been augmented so as to provide not only arms, but ammunition and company drill, with other minor charges.

About six weeks after the issuing of this Circular, on the 5th of July, Lord Lyndhurst, in one of those impressive speeches for which the great lawyer was celebrated, called the attention of the Upper House of Parliament to the defective state of the military

and naval defences of the country, which led to a thorough investigation of the whole subject by a Committee of the Commons. The Committee in their Report recommended the consolidation and fortification of our dockyards and arsenals, which, in the present state of military science, were found to be entirely at the mercy of an enemy should he only obtain a temporary advantage in the Channel; or even without such catastrophe, they might be fired or sacked under cover of a fog. The means of manning such extensive works as these recommendations designed, would previously have been impracticable for want of a sufficient number of troops, but the opportune formation of the Volunteer Corps supplied the required garrisons, should such ever be needed, it having been found by experience in many campaigns, that irregular troops, such as the Volunteer Corps form, may be relied upon to hold their own, even against superior forces, when under cover of fortifications or earth-works, where the individual prowess and self-reliance of the soldier avails even more than military training. Acting upon the recommendations of the Commissioners, Parliament authorised the construction of stupendous works at Portsmouth, Chatham, and other points along the southern coast, on which many millions have subsequently been expended.

1860.]—At a special levee held by the Queen in the following March, 2,500 Volunteer officers were presented, and in June, her Majesty reviewed 21,000 citizen soldiers in Hyde Park, and in July a like number at Edinburgh. To supplement this land-army, a reserve of volunteer seamen was organized, so that in case of war, the services of many thousand skilled mariners would be at the immediate disposal of the authorities, thus rendering the chances of a surprise at sea less probable.

The French thirst for glory was not long left unsatisfied by the Emperor Napoleon, who, with his accustomed prudence, saw that the double object might be obtained of strengthening his position in France, and drawing off the attention of the army from England, if only he could engage the sympathies of his subjects in a war for freeing the soil of Italy from the hated domination of Austria. So taking advantage of the hostile passage of the Ticino by the Austrians, who were irritated at the warlike preparations of Victor Emmanuel, the French at once entered Piedmont, and gained a series of brilliant victories under the command of the Emperor Napoleon in person, at Montebello, Magenta, and Solferino, which last decided the campaign by compelling Austria to sue for peace. In the first instance an armistice was arranged by the two emperors, Napoleon and Francis, in person, at Villafranca, and confirmed by the Treaty of Zurich.

By this treaty it was stipulated that the Italian States should form a Confederation under the presidency of the Pope, and that Venetia should still be retained by Austria, but as a member of the Italian Federation; that the Grand-Dukes of Tuscany and Modena, who had abdicated, should be restored, and that Lombardy should be ceded to the Emperor Napoleon, to be handed over by him to Victor Emmanuel, that it might be annexed to Piedmont. These conditions were, however, never fully carried out, for the inhabitants of the Duchies of Tuscany and Modena rose up *en masse*, and indignantly rejecting the interference of a foreign potentate in their internal affairs, united themselves to Piedmont, which example was subsequently followed by most of the Italian States; until at length, after a series of extraordinary political and military achievements, in which Garibaldi and Cavour eminently shine out as patriots worthy of the heroic ages, Italy has become united into a constitutional monarchy, under the enlightened rule of Victor Emmanuel, the city of Rome alone excepted, which is still under the temporal sovereignty of the Pope, who has only been kept on the throne by the intervention of the French, in opposition to the interests and wishes of the Italian people, who naturally regard the Eternal City as the capital of their country. By the Treaty of Turin, which was signed on the 24th of March, between France and Sardinia, Savoy and Nice were annexed to France in perpetuity, as a kind of compensation for the blood and treasure expended by her in the Italian War of Independence, but which concession was regarded with considerable jealousy by England and the other great European Powers, as contrary to the direct stipulations of the Treaty of Vienna, and as a partial infringement of the tacit understanding that France sought no augmentation of territory, but only the welfare of Italy. Although England took no active part in the freeing of Italy, her sympathies were wholly in favour of the Italian cause, and the infant kingdom benefited much by her moral sanction and indirect influence, which had no small effect in determining the course adopted by France; and subsequently, when the Garibaldian expedition was preparing for the overthrow of the Neapolitan dynasty, many young and ardent sympathisers left England to take part in this wonderful national revival, notwithstanding the restraint of the Foreign Enlistment Act.

The second Chinese war, which had been temporarily suspended by the concession of the Treaty of Tien-Tsin, was again renewed upon occasion of the refusal by the Chinese authorities to receive the English and French envoys, who had been sent (1859) with the fleet to exchange the ratifications of the treaty.

This gratuitous insult induced the combined fleets to attempt to force the passage of the Peiho river; but the Chinese, having been taught by the experience of the last campaign, had taken extraordinary care to fortify the banks, so that when the fleet began to ascend, the masked batteries suddenly opened fire, killing above 400 of the allies. The war having been commenced, it was obliged to be sustained with vigour, and Sir Hope Grant was dispatched with an army from India, supported by the combined fleet, under Admiral Hope, who captured the forts on the Peiho, which were found to mount 400 pieces of artillery. The troops, as they advanced into the interior, were encountered by the Tartar cavalry, which displayed commendable courage on several occasions, but their charges were invariably repulsed, owing to the superior arms and discipline of the allies, who only sustained a single disaster in their march, and this was occasioned by a small party falling into an ambuscade—the Chinese having displayed a fictitious flag of truce and then falling upon them unawares, some dozen persons were made prisoners and subjected to such exquisite tortures that most of them perished. In order to revenge this breach of the law of nations, the allies, on approaching Peking, gave up the Emperor's magnificent summer palace, situated without the walls, to be looted and then burnt by the soldiery, but first reserving some of the richest spoils for presentation to her Majesty and the Emperor of the French. Seeing that the invaders were at the very gates of their capital, the Chinese authorities gave way, and a convention was signed within the walls of the imperial city (Oct. 24) by Lord Elgin on the part of Great Britain, Baron Gros on that of France, and Prince Kung, brother of the Emperor, on that of China.

Just as the war in China was drawing to a close, the Maories of New Zealand rose in arms against the English, in consequence of a dispute about some land. This year also witnessed in Syria a fierce conflict between the Moslem and Christian populations, in which 12,000 persons, men, women, and children, are said to have miserably perished, and which finally necessitated the joint intervention of England and France in order to protect the lives and property of Europeans, and, as far as possible, to stop the effusion of blood.

As an earnest of the restoration of the good understanding between England and France, which had for a time been interrupted by the Orsini conspiracy, Mr. Cobden was commissioned to arrange with the French Government the terms of a Commercial Treaty. In this he was so successful that the treaty has proved of vast advantage to both countries, not only in the

increase of commerce, but, by the medium of constant and unfettered intercourse, has laid the foundations of a lasting alliance based on a community of interests.

Another event for which this year was remarkable, was the launch of the *Warrior*, the first of those monster iron-plated vessels which were shortly to supersede the "wooden walls of old England," and thus necessitate the entire reconstruction of the navy. The first opportunity, however, afforded of estimating the comparative efficiency in war of ships constructed of wood and those built entirely of iron, or covered with iron plates, occurred about two years after this date, viz., on the 8th March, 1862, on which day the Confederate iron-clad war-steamer, assisted by gun-boats, attacked the Federal fleet at Newport News, and disabled and sunk several vessels, proving that wooden vessels had no possibility of successfully resisting iron. In the evening, however, the *Monitor*, Federal iron-clad steamer, arrived on the scene of action, and on the following morning a close fight ensued and was sustained for several hours, when the two monsters finally drew off, the contest ending in a drawn battle, with considerable damage to both sides.

Almost contemporaneous with these changes in nautical construction, a revolution was being effected in the science of artillery by the discoveries of Mr. Whitworth and Sir William Armstrong, who manufactured rifled ordnance of such power and precision as to render the further employment of our old artillery either by land or water utterly impossible. After a series of exhaustive trials, in which the Government spent large sums of money, it was determined to purchase for the nation the invention of Sir W. Armstrong, whose guns, with six pounds of powder, were found to throw a 32lb.-shot above 9,000 yards, or 5 miles.

The cost necessarily attending the changes in the armaments, both by land and sea, for several years swelled the estimates, and has only too probably necessitated a permanent augmentation of our warlike expenditure. There can be but little doubt, however, that one great good has been attained by such a change in rendering it almost impossible to conduct war on a small scale, and thus diminishing the frequency of appeals to this terrible arbitrament, the result now resting more upon the material strength and resources of the nations engaged than on the individual courage and training of the combatants. All these points must be considered as favourable to a country like England, whose wealth and material resources, especially in iron and coal, are almost inexhaustible, while the numbers of her population at any time available for war are small

in comparison with those of most other nations of the first rank.

In consequence of a diversity of interest, and a rivalry of political parties, embittered by the all-absorbing question of slavery, a civil war broke out in the United States of America. The first State to secede was South Carolina, which was shortly followed by ten other Southern States. These States formed themselves into a separate confederation, and almost immediately despatched two accredited agents, Messrs. Mason and Slidell, to the Governments of England and France, in order to obtain a recognition of their separate nationality, but Commodore Wilkes, of the American frigate, *San Jacinto*, gaining intelligence that the Southern Commissioners had embarked on board the English mail steamer, the *Trent*, without awaiting orders, as is asserted, fired on the English flag, and seized by force the two above-named passengers, claiming them as rebels against the American Government. When the news of this unjustifiable breach of international law reached England, the national spirit was fired with indignation, and notwithstanding the strong motives for the maintenance of amicable relations with the great transatlantic republic, most persons believed that a war with the United States was inevitable; indeed, at this time, such a catastrophe appeared only too probable, owing to the bitter feeling engendered by the civil war, which caused the Union party in the States to regard with peculiar jealousy the neutrality proclaimed by England and France in the approaching contest. Although the question was purely an American one, yet so intimate were the relations between the two countries, that opinions in England were almost as much divided as in America, the majority of the upper and middle classes in this country sympathising with the Southerners, whom they considered to have law and the Constitution on their side, and who at the outset of the struggle displayed those military qualities which call forth the admiration even of indifferent beholders; while the lower-middle and industrious classes in England sympathised with the Northerners, whom they considered as the defenders of the grand principles of human freedom and liberal institutions, regardless of the exact signification of the letter of the Constitution. Under these circumstances no small praise is due to the conduct of our Government in averting the threatened rupture, by its firmness and moderation, although couched in the most conciliatory terms: the English Government despatched a peremptory demand to the authorities at Washington for instant apology and the unconditional restoration of the two passengers, while at the

same time large reinforcements of troops were sent to Canada. The American Government on this occasion, notwithstanding the heat of popular passions, proved itself equal to the emergency, and with great good taste restored its captives, apologizing for the unintentional insult which had been offered to the English flag. Thus, fortunately, the threatened commencement of hostilities between two countries, bound together by the nearest ties of interest and identity of race, was averted; yet the evil effects resulting from the progress of the civil war in America reacted on English commerce, and the stoppage of the ordinary supply of raw cotton from the Southern States, by reason of the blockade of their ports by the Union fleet, paralysed the great cotton-spinning industry of Lancashire, and brought untold misery on thousands of industrious families, who were on a sudden, by no fault of their own, reduced to a state of abject destitution.

The winter of 1860-61 proved a period of great anxiety, for besides the wide-spread misery caused by the rise of the cotton-market, the ribbon weavers of Coventry were reduced to a state bordering on starvation, and, only for the munificent public subscription, which amounted to £40,000, many families must have perished, especially as the severity of the season was almost unprecedented in England. The frost, which broke up on the 30th of December, 1860, had lasted for several weeks, for a time putting a stop to all out-door employments. The greatest cold on the grass was on the 25th of December, when it was 13.8° , and at 4 feet from the ground the temperature was -8° , or 24° below freezing point.

Other parts of the British empire were likewise afflicted with unwonted evils, especially in the north-west provinces of India, so recently devastated by the Sepoy revolt, where, for want of the accustomed rains, the whole country was reduced to a desert, and no less than 300,000 of the miserable inhabitants are said to have perished of starvation. The roads leading from Peshawur were literally lined with the dead and dying, who were stricken down whilst endeavouring to migrate to more favoured districts, or to reach the Government stores, where rice and maize were liberally distributed, having been provided partly by the local Government, and partly by the subscriptions sent out from England, which amounted to no less a sum than £107,585. These severe visitations of famine, equalling those of early times recorded in Holy Writ, and the like of which are fortunately unknown in Europe, have led the English Government to contemplate more seriously the responsibility of the administration of India, and the necessity

we are under, as lords of the land, to devise means by which such periodical and awful calamities may be averted, or at least partially mitigated. The result has been the repairing of the immense works for artificial irrigation originally constructed under the Mogul sovereigns, and the facilitating of the construction of roads and railways by means of Government loans or guarantees; all of which works have proved remunerative, so that the Indian exchequer has not hitherto been called upon to make up any deficiencies. Under this liberal and enlightened policy, and the feeling of security and contentment which it has been mainly instrumental in fostering, the social condition of the Hindoos has of late years been most satisfactorily progressing, accompanied, as a natural sequence, by a rise of wages. The improved mode of living in India must eventually react on the prosperity of England by increasing the demand for European manufactures and luxuries, and consequently augmenting the trade of this country. It has had the further advantage of opening a new field of profitable and useful employment to the superabundant energies and industry of our engineers and other educated men, whose services were not required at home. As a graceful acknowledgment of the growing importance of India as part of the British empire, and at the same time a suitable means of rewarding distinguished services in the East, her Majesty instituted a new order of knighthood, to be called the Most Exalted Order of the Star of India, the first investiture of which was held by the Queen at Windsor Castle on the 1st of November this year.

1861.]—The usual interval having elapsed since the last decennial census of Great Britain and Ireland, the enumeration of the people was again taken on the 8th of April. This was the seventh census which had been carried into effect in Great Britain, and the fifth in Ireland, and disclosed many interesting results. By it we learned that the total population of the United Kingdom, including the adjacent islands, was 29,070,938, distributed in the following proportions, viz.: 20,066,224 in England and Wales; 3,062,294 in Scotland; and 5,798,968 in Ireland; besides 275,900 persons belonging to the army, navy, and merchant service, employed upon foreign stations or at sea. The total increase since the commencement of the present century, when the first census was taken, would thus appear to be over 13,250,000 persons, or at the rate of 82 per cent. over the whole period; but on closer examination, these returns show that the rate was very unevenly distributed; the rate of increase during the first half of this period being 52 per cent., and during the latter only 20 per cent., or less than half. It

will naturally occur to the reader to inquire how this falling off is to be accounted for, as being a most important element in measuring the relative progress and prosperity of the nation. If it were to be attributable to a diminution in the fecundity of our population, we should find a corresponding decrease in the number of marriages to population, or else in the number of births to marriages, as in France ; but as these two exponents remain constant, and the death rate has not augmented, the only rational inference is that the decline in the rate of increase is attributable mainly to emigration, which has been on a vastly increasing scale, as shown by the returns of the Emigration Commissioners. During the thirty-five years, from 1831 to 1866, upwards of 5,627,555 persons emigrated from the ports of the United Kingdom, whilst in the preceding quarter of a century this disturbing element was almost absent. If it were allowable to add the emigrants and their descendants to the ascertained number of the survivors and their descendants of the 16,000,000 in 1801, now residing in the United Kingdom, our population would be greatly in excess of double that number ; but when the emigrants have departed from among us, the produce of their industry is no longer ours, nor can we include them in the estimate of our numbers.

During the last decennial period, from 1851-61, 2,138,856 persons were added to the population of Great Britain ; but this number is reduced by 528,956, when we take into the account the population of Ireland, which has decreased, so that the whole increase for the United Kingdom is 1,609,900, or at the rate of 6 per cent. ; and this, notwithstanding the departure of 2,054,000 persons of English, Irish, and Scotch origin, who emigrated in the interval of the censuses of 1851 and 1861 ; and from the latter date to 1866 the emigration has been 968,555 for the five years. The Registrar-General, in his reports, exhibits the relative mortality in town and country populations, by dividing England into two portions, not very unequal in respect of numbers—one chiefly urban and the other chiefly rural. The average annual death-rate being twenty in 1,000 in the latter, and twenty-six in 1,000 in the former. If we compare the population returns for 1851 and 1861 in these two classes of districts, we find that nearly three-fourths of the whole increase in the interval between the censuses took place in the chief towns, which advanced at the rate of 19 per cent., while in the rest of England the increase was only 6 per cent. Closely connected with the concentration of population in the localities devoted to commerce, manufactures, and mining, and the effects of emigration, is the proportion of the sexes in

different parts of the country. As a general rule, there is a preponderance of female population everywhere in the United Kingdom; but this discrepancy of the sexes is very different in various parts of the kingdom; and in some few counties of England, where mining operations are extensively carried on, or where there are large arsenals and dockyards, the number of males preponderates; but this is the exception. From the returns above referred to we find that the discrepancy of the sexes is steadily on the increase; there being in the United Kingdom in 1841 only 104·9 females to every 100 males, while in 1851 the proportion was 105·1 females to 100 males, and in 1861, 106·2. The disparity is most marked in Scotland, where there are 111·5 females to 100 males, the emigration from the northern country being most excessive, and most of her children leaving their native land of Scotland uncheered by female companionship. The word "farewell" supplies the key note of many a ballad of touching simplicity and genuine feeling.

"Ae fond kiss, and then we sever!
Ae farewell, alas! for ever!"

Although our fellow-citizens who have settled in distant lands, scattered over every quarter of the habitable world, can no longer be reckoned as forming part of the population of the British Isles, they are nevertheless fellow-citizens of that empire over which the sun never sets, and which, including British India, contains the vast sum of 176,000,000 subjects of Queen Victoria. They likewise still form a source of national wealth by contributing to the prosperity of the mother country; in a word, they are her best customers. The consideration of the increase of population during the decennial period naturally suggests a comparison of the growth of the national resources during the same period, which is readily supplied by the Board of Trade Returns, from which we gather that the total value of exports to all parts of the world increased in the same period from £70,000,000 in 1851, to the grand total of £166,000,000 in 1861, or more than double in the decennial period, of which sums the colonies and British India took £19,785,000 in 1851, and £41,595,000 in 1861—this simple statement at once indicating the growth of our commerce and manufactures, and at the same time the amazing development of our colonial prosperity.

The beneficent influence of free trade, which had already made itself felt in every department of industry, by abolishing protective duties on most raw materials, this year received a fuller acknowledgment by the abrogation of the paper duties,

which in no small measure tended to the advancement of popular education by facilitating the publication of newspapers, and a superior class of periodical literature, at a price within the means of the working classes. Another improvement effected by legislation during this session was the amendment of the law of bankruptcy, by which imprisonment for debt was abolished except in cases of fraud.

We now come to the consideration of two domestic events intimately associated with the personal happiness of our beloved Sovereign, and, through her, with the prosperity and best interests of the nation at large. It was on the 16th of March, this year, that Marie Louise Victoria, the late Duchess of Kent, and revered mother of our Gracious Queen, breathed her last at the age of seventy-six, full of years, and worthily beloved by the whole nation. Scarcely was her Majesty recovering her accustomed health and cheerfulness, after the loss of her beloved parent, when a still heavier bereavement fell on the royal house, which threw the whole nation into mourning. In the first week of December the Prince Consort had contracted a cold, which subsequently became accompanied by slight symptoms of fever, confining him to his room; but no serious results were anticipated, even up to a few days of his decease. But on Saturday the 14th, it was rumoured in the metropolis that the Prince was gradually sinking; and at midnight he expired, almost without a struggle. On the 23rd his remains were temporarily laid in the vaults of St. George's Chapel, until the mausoleum, which her Majesty had signified her intention of erecting in the grounds of Frogmore, should be ready, the first stone of which was laid by her Majesty in person on the 15th of March following. So universal was the national grief for the loss of so great and good a prince, and so general was the sympathy for the bereaved wife and mother, that some sign of mourning was almost universally worn, giving to the city an appearance as if every household in the land, from the palace to the cottage, had been bereft of some dear friend or relative.

1862.]—At the time of the Prince's decease, he was busily engaged in perfecting the arrangements for the approaching International Exhibition, which, after the precedent of 1851, had been fixed to be opened on the 1st of May, 1862. This Exhibition in most points closely resembled that of 1851, but with the further feature of being an exhibition of the Fine Arts, as well as of the Industry of all nations. In a general way it may be observed, whilst speaking of this Exhibition, that the articles exhibited far surpassed in number and excellence those collected in the former Crystal Palace, thus proving the vast

advances made during the decade, both in the art of design and in excellence of manufacture. Concerning the useful results of these periodical Exhibitions, it has been judiciously observed by M. Lemoine, that they furnish the means of mutual example and comparison, by which all nations may elevate their standard of perfectibility. "If the English give us lessons in industry, they may, on their part, learn from us to assign to art, properly speaking, a higher position. Taste is perfected in proportion as the level of equality ascends; inferior products are no longer in demand, superfluities have become necessities, and the beautiful is as requisite as the good." In their incidental effects these Exhibitions have likewise been beneficial by bringing together thinking men of all nations, effecting valuable reforms in postal arrangements, modifying the patent and copyright laws, instituting better quarantine and sanitary arrangements, causing a revision of international commercial legislation, facilitating intercommunication, improving and cheapening the facilities for travelling; and last, but not least, in causing the abandonment of the vexatious system of passports, which are now fortunately dispensed with throughout most of the states of Europe.

The subject of national education was this year prominently brought under the consideration of Parliament, and statements were made by Earl Granville and Mr. Lowe in either House, on the part of the ministry, in explanation of the new Educational Minute or Revised Code of the Committee of Privy Council, showing the manner in which these regulations operated on the elementary schools throughout the country, the standard of proficiency and attendance of the pupils being in future the criterion on which Government aid was to be afforded to each school, thus instituting a system of reward according to result, instead of the old plan of special grants. Although, in many respects this change was no doubt an improvement, yet it overlooked one important consideration, that those districts which were the poorest and most backward in education, would thus be virtually excluded from benefiting by the Government aid, while the more advanced districts which were well supplied with schools, and appreciated the advantages of popular intelligence, would receive an undue proportion of the funds annually voted for this purpose. The only remedy for this abnormal state of things, it would appear, is to invest the Committee of Privy Council, or some responsible minister, with the necessary authority to order a compulsory educational rate in such places as have neglected or refused to adequately supply the deficiency of schools by voluntary exertions; and in some

few districts, where the population may be too poor or too widely scattered to be reasonably required to submit to such rate, to furnish the necessary funds out of the annual vote for education. If this plan were adopted, there appears no reason why all the advantages, both of the voluntary system as at present in vogue in England, and of the compulsory or Government system as practised in Prussia, should not be combined, thus securing the most beneficial results at the least possible outlay.

Other questions of paramount social interest—as the best methods of utilising the sewage of towns, the devising of better regulations for the protection of life and property against fire in London, the injury resulting from noxious vapours evolved in certain manufacturing processes, and the practicability of adopting a simple and uniform system of weights and measures—were discussed in Parliament and referred to Select Committees, while measures for dispensing with certain declarations as a qualification for offices and employments, for abolishing punishment by flogging, for the preventing of the falsification of trade-marks, for amending the law relating to copyright in works of fine art, for transfer of India Stock, and for facilitating the transfer of land, were introduced and passed during this session.

In the course of the debate which arose on the motion of Sir George Lewis, that a further sum of £1,200,000 be provided for defraying the expenses of the construction of works for the defence of the royal dockyards and arsenals, and of the ports of Dover and Portland, and for the creation of a central arsenal, a warm personal altercation took place between Mr. Cobden and Lord Palmerston, the former charging the veteran statesman with being, to a large extent, responsible for the invasion panics which periodically distracted the country, and caused a wasteful expenditure of public money in military preparations and useless fortifications. A resolution was subsequently carried by Arthur Mills and Mr. Baxter, pledging the House to the principle that “while all portions of the British empire have a claim to imperial aid against perils arising from the consequences of imperial policy, the colonies which enjoy the right of self-government ought to undertake the main responsibility of providing for their own internal order and security, and such colonies ought to assist in their own external defence.” The result of this resolution has been eminently conducive to the best interests alike of the mother country and of the colonies, by at once diminishing the drain on the resources of the former, and inducing a spirit of self-reliance in the latter, which has led to the formation of volunteer corps in the several colonies, the maintenance of a naval reserve for the defence of colonial

harbours where discarded British ships-of-war are now stationed, and which, although useless against the armour-plated vessels of the great European powers, are quite adequate to cope with such craft as would be likely to attempt a surprise in these distant waters, and to a more equitable adjustment of the charges for garrison duty performed by imperial troops, which are now defrayed in part out of the several colonial exchequers. Indeed, so great a change has been wrought in the tone of colonial public opinion, through this and other liberal reforms, that instead of an ill-concealed dislike of all military interference, the colonies are only too favourably disposed towards our soldiers; and in a late instance a difficulty arose between the War Office and certain of the Australian colonies on account of the latter voting a higher allowance of pay to the men in garrison than that sanctioned by the authorities at home.

1863.]—The all-absorbing topic of interest at this time, both in Parliament and in society generally, was the civil war in America, now in the second year of its cruel and destructive duration. Judging from the conduct and passions it evoked on either side, there appeared no probability of a speedy termination of this internecine struggle. Deeply as we might regret the contest, and painfully as we might suffer from its effects on our own trade and industry, we were bound to maintain the attitude of impartial spectators. To this resolution the Government and the nation steadfastly adhered, though exposed thereby to misunderstanding and censure alternately from one of the belligerents or the other, and though it was well known that the Emperor Napoleon had signified his own intention of recognising the Southern Confederacy as a *de facto* power, and was prepared actually to take that step, provided only that England would consent to act with him.

The subsequent escape of the *Alabama* and other vessels from English ports, although without connivance of the English Government, to prey upon the Federal commerce, under colour of carrying the Confederate flag, greatly complicated the causes of difference between England and the United States, and for some time even threatened to involve the two nations in war; but fortunately, now that the civil war is ended, and the fiercer passions toned down on either side the Atlantic, these long-disputed claims are in a fair way for settlement, and, not improbably, may lead to an entire revision of the maritime law of nations in favour of neutrals, and consequently of the advancement of peace and civilisation.

Although not immediately participating in the fierce struggle

which was going on across the Atlantic, England was by no means exempt from the miseries which it entailed. In the winter of 1862-3, so widespread was the distress in the cotton districts, that above seven per cent. of the entire population in twenty-four poor-law unions were in receipt of out-door parochial relief, at a cost to the rate-payers of the incredible sum of £8,000 per week, being four times the ordinary expenditure. And this, in addition to the sum of three quarters of a million sterling which had been collected by voluntary contributions throughout the United Kingdom and colonies, and paid in before the month of January, 1863. This large fund was controlled and allocated in weekly sums by committees, who discharged gratuitously the arduous task of distribution. It is true that the amount thus weekly supplied by the relief fund, in addition to that furnished from the poor rates, sufficed for little more than a bare subsistence to the numerous families whom the stoppage of the mills had reduced to indigence. Still both the physical and moral effects of this generous outflow of national sympathy were of great value. It not only mitigated the actual suffering and privation, but it called forth, as the Earl of Derby—who was himself a leading agent in the contribution and distribution of the funds—gracefully expressed it, “a great amount of kindly feeling among different classes. It made rich and poor understand each other better than before, and taught them to remember their mutual dependence upon one another. It led the rich to think of the duties they owed to the poor, and it showed the poor that the rich were not unmindful of them in their affliction.”

Fortunately the other great branches of trade were not affected by the collapse of the cotton manufacture, so that although in certain districts the distress was great and overwhelming, yet it was rather local than national, the general resources and commercial interests of the country being in a prosperous condition.

The public were much rejoiced about this time to hear of the proposed marriage of the Prince of Wales with the Princess Alexandra, the young and beautiful daughter of Prince (now King) Christian of Denmark, which match, it was understood, had been recommended by the late Prince Consort, and was now approved by her Majesty, as signified in the Royal Speech at the opening of Parliament, which met this year on the 5th of February. It was also signified in the Royal Speech that a spontaneous proffer had been made to her Majesty's second son, Prince Alfred, of the vacant throne of Greece, but owing to diplomatic engagements of her Majesty's Crown, together with other weighty considerations, she had been precluded from

yielding to the general wish of the Greek nation. She proposed, however, if the same principles of choice which had led the Greeks to direct their thoughts in the first instance towards her son Alfred, should guide them to the selection of a sovereign under whose sway that kingdom might enjoy the blessings of internal prosperity, and of peaceful relations with other States ; and if in such a state of things the Republic of the Seven (Ionian) Islands should declare a deliberate wish to be united to the kingdom of Greece, "to take such steps as may be necessary for a revision of the treaty of November, 1815, by which that Republic was reconstituted and was placed under the protection of the British Crown." The choice of the Greek nation having fallen on Prince George, second son of the King of Denmark, and brother to the Princess of Wales, the contemplated transfer of the Ionian Islands to the kingdom of Greece took place with the consent of the other European powers who were parties to the treaties of 1815. It was necessary, however, that before this transaction could be accomplished, the Cyclopæan fortifications of Cephalaria, which had been constructed by England at an immense outlay of treasure, should be dismantled, for the simple reason that, in the event of an European war, Greece could not be expected to hold them, and, therefore, they would prove rather a source of weakness than of strength to herself, and of danger to the rest of Europe.

The financial statement of the Chancellor of the Exchequer was hailed with much satisfaction, as it proposed to lower the income tax and tea duty, and to reduce the expenditure for the army and navy by at least £2,000,000, so as to allow of a further relief from taxation. There were, however, some other features in the Budget which gave rise to more variety of sentiment, and called forth a regular storm of indignation from the supporters of invested rights. In his speech upon the Budget on the 19th of April, Mr. Gladstone expressed it as his opinion, that the clauses hitherto contained in the Income Tax Acts, exempting funds invested for eleemosynary purposes from liability to the tax ought in future to be omitted. "The consideration," said he, "of the question of succession duty on corporations brought to the mind of the Government this further remarkable fact, that in this country we have levied during the financial year which has just closed, about £15,000,000 of hard money in direct taxation, but that every shilling of that money is taken out of the pockets of individuals, and that whatever is held strictly in mortmain, in the hands of corporate bodies, or professes to promote charity, does not contribute one shilling to those

£15,000,000 ; I venture to say that it is an unjust state of things. It is not fair that the tax-payers of this country, the fathers of families, men labouring to support their wives and children, should pay taxes augmented in order to encourage gentlemen on their death-beds, when they can no longer enjoy the money themselves, to devise ingenious methods of disposing of their wealth which shall cause their names to be written up in enormous capital letters, and create governors of trusts, who shall meet together at sumptuous dinners from year to year in order to glorify the pious and immortal memory of the man who has devised this ingenious method of disposing of his property. I am not going to say one word in disparagement of these institutions, except up to the point that they ought not to enjoy that very large amount of positive pecuniary preference at the cost of the general community, which is awarded to them by the present state of the law."

The Chancellor of the Exchequer declined the discussion of the objections alleged against his measure until he should submit the entire case in proper form to the committee of the House of Commons on the 4th of May. On the morning of that day the right honourable gentleman was attended at his official residence in Downing Street by one of the most numerous and influential deputations that has ever attended upon a minister. It was headed by His Royal Highness the Duke of Cambridge, and numbered among its members the Archbishops of Canterbury and York, the Bishops of London, Rochester, and Bath, besides a perfect crowd of members of Parliament, dignified clergy, and gentlemen of almost every denomination, many of whom attended as treasurers or secretaries of the principal charities in the metropolis. Finding the combination of corporate interests out of doors so powerfully arrayed against the measure, and meeting with but little support from the Liberal side of the House, while the Opposition bitterly opposed the measure altogether, it was finally withdrawn by the Government. As the session wore on, an animated discussion took place in both Houses of Parliament which excited much interest amongst religious circles out of doors respecting subscriptions and declarations required to be made by the clergy of the Established Church. Mr. Buxton moved in the House of Commons, and Lord Ebury in the Lords, certain resolutions to obtain an alteration in the Act of Uniformity, and Mr. E. P. Bouverie proposed to repeal part of that Act; but all their efforts proved unavailing, and the famous Statute of Charles II. was still retained in its entirety, at least in so far as related to the Established Church.

In "rebutting the arguments for relaxation of subscription," Mr. Gladstone, then Chancellor of the Exchequer, commended the moderation of Mr. Buxton, especially in not contending for the unfettered liberty of the clergy, making them sole arbiters of what they were to teach. It would be better, he said, "to break down at once the fabric of the national Church altogether." He proceeded to review the arguments against subscription, which had, he thought, on the whole, worked well, and given vigour of action to the Church, the Prayer Book, and the Articles, forming one harmonious and consistent whole. The opinion delivered by Mr. Disraeli was to a like effect: "That he had not heard any arguments against the wisdom of maintaining the Church of England; and how could we have a Church without a Creed, Formularies, and Articles? If there was to be a Church, it must have symbols of union among those who were in communion with it." The subject, however, was renewed in the following session, when, as signified in the Royal Speech, a commission issued for the purpose of revising the various forms of subscription and declaration to be required of clergymen of the Established Church; and in the House of Lords the question of the revision of the Burial Service was referred to the bishops to consider what alterations, if any, were required in the Book of Common Prayer. A Bill was likewise introduced by Mr. Dodson, to abolish the tests required on taking degrees at Oxford, which having arrived at the third reading, was only negatived by a majority of two on the question, "that the Bill do pass." The Lord Chancellor, having an eye rather to the practical than the theoretical reform of the Church, succeeded in carrying a measure for the augmentation of small benefices; and another Act, the Prison Ministers Bill, was successfully introduced by Sir George Grey, with the object of giving to the inmates of prisons, not being members of the Established Church, the benefit of the attendance of ministers of their own religious persuasions. But the most important religious discussion of the session took place on the subject of the Irish Church—a question which, thirty years before, had excited the greatest political commotion, had formed the battleground of parties in Parliament, and involved the fate of cabinets, and which, ere long, was destined again to be the watchword of the great Liberal party. But for the present the Government did not feel inclined to bring the question to a decision; and after three nights of discussion on the motion of Mr. Dillwyn for a select committee, "to inquire how far the present distribution of endowment for religious purposes throughout Ireland may be amended, so as most to conduce to the

welfare of all classes of her Majesty's Irish subjects," the question was dropped; the motion for the further adjournment of the debate having been negatived by a division of 228 to 67, notwithstanding the protest of Mr. Osborn, Mr. Monsell, Mr. Hennessey, the O'Donoghue, and others, who insisted that the maintenance of the Irish Protestant Establishment in the midst of a Catholic nation was a violation of national rights, and an anomaly not to be found in any other part of Europe. Other questions of paramount interest to Ireland were likewise debated during this and the following sessions, as the right basis of land tenure, the relation of landlord and tenant, the causes of agricultural distress, and the effects likely to follow the whole-sale emigration which was going on from that country to America. But no satisfactory conclusions could be arrived at, and little was effected for the amelioration of that country, save the passing of the Salmon Fisheries Bill, which was designed to assimilate the law in that country to the beneficial measure recently enacted for the English salmon fisheries; but even this measure was partially spoiled by the obstinacy of the holders of invested rights. Towards the close of the session, the Lord Chancellor brought forward his scheme for a comprehensive revision and digest of the Common and Statute Law, and an Act was passed for relieving the Statute Book from a great number of obsolete Acts. Other law reforms were proposed, but the prorogation of the Parliament, which took place on the 28th of July, prevented, for this year, any further progress being made.

1864.]—When Parliament again met on the 4th of February, the legislature was so occupied with the consideration of the foreign policy of this country, that but little time could be spared for law reform; yet one important measure, as affecting not only England, but the colonies, was carried by Sir George Grey, who incorporated the recommendations of the Royal Commissioners appointed to report on the treatment of prisoners under sentence, and the regulations as to penal servitude, into a Bill, by which it was determined to adopt five years as the minimum sentence of penal servitude; to cause all penal convicts to undergo nine months' separate confinement, but with power of abatement for good conduct; and to abolish the practice of granting conditional pardons to transported convicts. But it was still proposed to retain the power of sending out to Western Australia annually 600 convicts. This measure excited much discussion at home as to the propriety of abolishing altogether the system of granting tickets of leave; and in the Australian colonies it raised a storm of indignation; for the prosperous colonies of the eastern and southern portions of that continent

entertained not altogether ungrounded fears of an influx of criminals from Western Australia. Earnest remonstrances were addressed by the colonial authorities to the Imperial Government; and the language held by the alarmed settlers, in some instances, did not stop short of menace of secession in case the obnoxious system should be persisted in. Before the end of the year, it was announced, through the usual channels, that the Government had now determined to propose a total cessation of the practice of transportation.

Although the original appointment of the Royal Commission had been brought about by a temporary increase of the more heinous offences, it was satisfactory to be assured, that notwithstanding the almost total discontinuance of transportation of late years, and the vast increase of population during the last twenty-one years, there had been a considerable decrease of crime in the United Kingdom. Those who were supposed to be more intimately acquainted with the history and character of the criminal classes asserted that the unrestrained sale of intoxicating liquors had no small share in prompting the committal of criminal offences; and most social reformers likewise advocated the adoption of some measure similar in principle to that which was commonly known by the name of the "Permissive Bill." By this measure, which was committed to the charge of Mr. Lawson, member for Carlisle, it was proposed to make the sale of liquors a question of local police, by enacting that if two-thirds of the rate-payers in a district decided that public-houses were not wanted there, no licenses were to be granted or renewed. But although supported in Parliament by a vast array of local influences, and numerous signed petitions from all parts of the country, the Bill was rejected on the second reading by a large majority; owing, as would appear from the tone of the debates, chiefly to the novelty of the principle involved, and the arbitrary powers which such a measure must give to the majority over the free agency of individuals. Several Bills were likewise introduced this session by independent members, tending in the direction of parliamentary reform; but all ultimately proved abortive, the time not being considered propitious. The fact was that Lord Palmerston's Government, being based on a compromise, had neither the requisite strength nor the unanimity of opinion to carry through any great measure of parliamentary reform; while the known repugnance of the veteran statesman himself to any organic changes in the Constitution so far influenced public opinion as to render the postponement of the decision not only safe, but wise. Some of the more earnest Liberals, however, would not brook delay; and Mr.

Gladstone, although filling the important post of Chancellor of the Exchequer, scorned to be fettered by the trammels of office, and, unsupported by his colleagues, advocated a large measure of reform, in one of the boldest and most telling speeches ever delivered in the House of Commons. In the course of this memorable debate, he pointed out the change which had taken place in the relations between the working classes and the laws, the institutions, the Government, and the throne of this country in the last half-century—a period which, as regarded recent chronology, was in fact and sentiment a far-distant epoch. He laid down broadly that the presumption was in favour of admitting the working class to a share of political power: “I say that every man who is not presumably incapacitated by some consideration of personal unfitness or political danger is morally entitled to come within the pale of the Constitution. Of course the meaning of this is, that sudden, violent, and intoxicating changes must be avoided; but that fitness for the franchise, when it is shown to exist—as I say it is shown to exist in the case of a select portion of the working classes—is not repelled on sufficient grounds by the allegation that things are as well as they are.” This speech, at the time when it was uttered, excited in some the wildest fears of democratic revolution, and in others the most visionary expectations of a coming millennium for all the down-trodden of the earth; but now that a comprehensive measure of reform has been carried into effect, and even a greater proportion of the working classes admitted to the franchise than was at this time contemplated by the clear-sighted statesman then Chancellor of the Exchequer under Lord Palmerston’s administration, these words seem to be bereft of their ominous meaning, and to be even the cautious utterance of a statesman whose proud distinction it has been to be called by her Majesty to preside over the first session of the Reformed Parliament.

Varied and interesting as were the topics of social and domestic progress discussed during this session, it was the question of our international relations that produced the most animated debates in Parliament, tested the strength of parties, and finally brought the fate of the administration to the issue of a vote just before the termination of the session. The Earl of Derby and Mr. Disraeli, as leaders of the Opposition in the two Houses, impugned the foreign policy of the Government as one of injudicious interference with the affairs of foreign countries, adducing the cases of Japan, China, Brazil, Mexico, and Denmark, with all of which states we had been more or less involved. Indeed, it was difficult to deny the apparent truth of

these strictures ; for amongst the annual roll of military achievements were operations of our naval force in Japan against the Daimio Prince of Satzuma, which resulted in the destruction of the unfortified town of Kagosima ; the civil war in China, in which we had also taken some part ; the unfortunate escape of the *Alexandra* and other warlike vessels from English ports to prey upon the commerce of the United States of North America ; and the petty operations, inglorious in their results, but costly in the lives of brave men, against the African tribes of Ashantee, and the Maories of New Zealand, whom we claimed as our own subjects. But that which excited by far the greatest amount of anxiety out of doors, and was discussed with unwonted asperity in Parliament, was the part which the Palmerstonian administration had taken in the Dano-German quarrel respecting the Duchies of Schleswig and Holstein, and although it did not actually involve her in war, England did not emerge without reflection being made in some quarters upon her honour. It was mainly at her solicitation that the belligerent states were induced to suspend hostilities, and meet the other leading powers in conference at London ; but after protracted sittings the Conference terminated without arriving at any practical solution, when England was obliged either to abandon Denmark to her fate or else take part in the struggle. The Opposition leaders, taking advantage of the national disappointment at the well-meant but not well-advised intervention of the English Government, moved a vote of censure upon the ministers in both Houses, which was affirmed in the Upper House by a majority of nine, but rejected in the Lower by a majority of eighteen, thus affirming the policy of the Government. It was on this occasion that Mr. Disraeli, in his happiest vein of sarcasm, likened “her Majesty’s Government to a certain prince—not of Augustenburg or Glücksburg—but that unfortunate prince of Denmark who was infirm of purpose—

‘The times are out of joint,—oh, cursed spite,
That ever we were born to set them right!’

But you are ministers to set them right, and I protest against your coming to Parliament in a critical state of affairs without a policy.” The truth was, that England had taken so active an interest in this controversy, that she herself was very nearly being embroiled in it. The majority for the Government in the Commons was admitted to be greater than had been anticipated, and was felt, notwithstanding the adverse vote of the Lords, to be a decisive triumph for Lord Palmerston. Reluctant as we should be to disparage the generous sympathy manifested by England in

this struggle for the weaker state of Denmark, and which state had a further claim to our regard on account of the near connection of its sovereign with the lovely bride of our heir-apparent, it must, without hesitation, now that the war is over, be admitted that, both in justice of claim and wisdom of policy, the cause of Germany ought to be preferred.

1865.]—The civil war in America was just on the point of being concluded by the triumph of the Union party, when the American Government, apparently hesitating to renew the convention with England regulating the strength of the armed force to be maintained by either state on the Canadian lakes, gave notice to such effect, and although strictly in conformity with treaty engagements, the withdrawal of the convention could not but be regarded, under the then existing circumstances, as prognosticating an approaching rupture with this country. The question was therefore anxiously debated in Parliament as to the possibility of defending Canada against invasion, and the policy to be pursued in such an event was unreservedly discussed. Mr. Bright, with a clearer appreciation of the American character than was generally possessed by contemporary statesmen, maintained that “no Government that had ever existed in America had been so favourable to peace with all foreign countries, and especially England, as the Government of which Mr. Lincoln was at the head.” But the general conviction was, that under existing circumstances, all possible precautions ought to be taken, and in consequence a vote of £50,000 was carried by a large majority for the construction of fortifications at Quebec. Scarcely, however, had these preparations been commenced, when Mr. Cardwell announced the welcome news of the withdrawal by the United States of the notice for termination of the convention, and Earl Russell laid on the table of the House of Lords despatches from the United States Government announcing the termination of the civil war, and expressing satisfaction at the withdrawal by England of the concession of belligerent rights to the Southern States.

As is universally the case on the conclusion of a great war, many men accustomed to the unsettled life of the camp, and disdaining every kind of honest industry, were on a sudden thrown on society in America, deprived of their ordinary means of subsistence. Such men, it is natural to infer, were only too anxious to embrace any scheme of conquest or revolution which might offer employment congenial to their tastes; many too of these men were Irishmen born, who had left their country under a burning sense of wrong, and consequently of hatred, to the English rule, which they credited, rightly or wrongly, with all the

miseries which their unfortunate country had for ages experienced. It therefore seemed to them a kind of patriotic duty to embrace the proffered opportunity, which the chronic state of discontent in Ireland offered, for the freeing of their beloved country from what they considered a foreign yoke; forgetful alike of the natural allegiance which most of them owed to their sovereign, our gracious Queen, and the untold miseries which, whether successful or baffled in their enterprise, they must inevitably have brought upon the land. But these men, who were ready to sacrifice their lives in the cause, or largely contributed out of their private means to the funds of the Fenian brotherhood, were the only honest patriots. The men by whom the organisation was originally contrived, and who administered its affairs, were clever but designing villains, who entertained no zeal for the cause, or even pity for Ireland, and were ready to sacrifice the dearest interests, both of their native and adopted lands, if they could only advance their selfish ends, as their subsequent conduct in the wholesale embezzlement of the patriotic funds but too clearly demonstrated, to the no slight chagrin, we may conclude, of their misguided dupes. That the Fenian conspiracy was of foreign, and not of Irish origin, there can be no reasonable manner of doubt; it was organised in the United States, and had its centre of rule and administration there. In its operation it was intended to combine the numerous Irish settlers in that country, men for the most part bitterly hostile to the English Government, with the disaffected in various parts of Ireland, and to induce them to make one great effort to throw off by force the yoke of the British Crown. Although of exotic origin, and therefore little to be feared, the conspiracy acquired dangerous proportions from the ready acceptance it met with amongst large classes of the native Irish, who regarded the movement with sympathy, if not with open approval; and this good-will, it must reluctantly be admitted, was due to the despairing conviction that justice was not to be expected from the voluntary action of a British Parliament, and that the wrongs of Ireland could be redressed only by an appeal to force. The appellation Fenians, or followers of Finn Mac Cool, the hero celebrated by Macpherson under the name of Fingal, was probably assumed by the conspirators in order to gain acceptance for their schemes with the mass of the Irish people, who entertain a patriotic reverence for the supposed heroes of their traditional history. It is also curious to observe the apparent appropriateness of this designation; for the modern Fenians, in one point, really resembled the followers of the anti-Christian chieftain, as they professed to repudiate all religious

restraint, and did not seek any countenance from the spiritual authorities of the popular creed, as had invariably been the practice in all conspiracies in Ireland. On the contrary, its members openly proclaimed their enmity to the Romish hierarchy and priesthood, including them, as well as all holders of political power, and all owners of property, of whatever creed, in their denunciations, as the enemies of the nation, who were to be swept away and destroyed. In their turn, the conspirators were solemnly reprobated by the Catholic bishops, both in Ireland and America, and denounced from the altar in the strongest language by the parochial priests, as the worst foes alike of religion and society. The views and intentions avowed by the chiefs of the movement fully justified such imputations. These men had drunk deeply, as the Attorney-General for Ireland said on the trial of one of them, "of the spirit of the French Revolution, and were prepared to imbrue their hands in blood for the attainment of their ends." For three long years this most miserable of all political associations continued to disturb rather than endanger the peace and prosperity of the nation by filling the public mind with constant alarms, which were not altogether to be despised, for every now and then such deeds of atrocity were perpetrated under the abused name of patriotism as to make the most strong-minded shudder to contemplate. Fortunately, at this time, the administration of Ireland was under the guidance of an energetic and vigilant Lord-Lieutenant, Lord Wodehouse, who took immediate action for crushing the insurrection by seizing such of its leaders and agents as were within reach of the law. The zeal displayed by the Irish constabulary, an admirably-trained body of men, in carrying out these measures with secrecy and promptitude, cannot be too highly commended, for notwithstanding the circumstance that the great majority of them were of Irish birth, and were by religion Roman Catholics, the whole force remained unwavering in their loyalty, ever ready to risk their lives in defence of the integrity of the United Kingdom. The first action was taken against the conductors of a seditious newspaper called *The Irish People*, when the police, entering the office in Parliament Street, Dublin, found it to contain many inculpatory documents, and several leading Fenians were there arrested. Shortly afterwards, the police arrested a person named Stephens, the "Head Centre" of the brotherhood in Ireland, and second in rank only to the "Head Centre" in the United States, John O'Mahoney. This man, with other Fenian prisoners, was committed to Richmond gaol, but on the night of the 24th of November he succeeded in effecting his escape from

prison, not unaided, as was believed, through the treachery of some of the prison officials, and was never again retaken, but at length succeeded in escaping back to America. This unfortunate incident not only balked the course of justice, but for a time gave considerable encouragement to the Fenian party by strengthening the impression, which they desired to produce, that many persons in places of authority and trust were favourable to their principles, and could give them aid in any emergency. The arrests, however, under the "Habeas Corpus Suspension" and "Peace Preservation" Acts, which had been passed by Parliament with all expedition, continued of daily occurrence, and a Special Commission sat at Dublin and Cork for the trial of the accused parties, who, when convicted, were sentenced to various terms of penal servitude. At this time great alarm was felt by the landowners and possessors of property, who evidently contemplated a general rising, but the readiness of the juries to convict upon due evidence satisfied the Government that the bulk of the Irish nation were still loyal at heart, and that no imminent peril was to be dreaded. The effect, however, of the revolutionary movement on the improvement of Ireland was eminently disastrous, by driving away capital, and, in some parts, causing a suspension of the ordinary agricultural employments of the people.

As a counterpart to the Fenian conspiracy in Ireland, a cattle plague, termed the "rinderpest," made its appearance in England and Scotland, where it committed fearful ravages, and taxed the utmost resources of Parliament and the Privy Council to devise means for its suppression. The effect of inoculation was tried with some success, but all medical treatment having failed to stop the progress of the plague, stringent Orders in Council were issued, and several Statutes passed restraining the removal of cattle from one part of the country to another, and, finally, rendering compulsory the "stamping-out" system, with partial compensation to the owners out of the county rates.

Making abatement for the two untoward events which have now been described, the public history of the United Kingdom during the year 1865 exhibits the features of steady progress and prosperous tranquillity. Even the political excitement consequent on a general election, which took place this year, the late Parliament having expired by efflux of the time limited by the Constitution, failed to disturb the tranquillity of the country generally. The cause of this unwonted calm on such an occasion was the absence of any direct issue to be submitted to the constituencies; there was, in fact, no "election cry" to stimulate party zeal; the only question was that of confidence in the

existing administration ; and ministers regarded the appeal to the nation with calm satisfaction, looking forward to a considerable augmentation of strength in the new House. The interest of the election mainly turned on the contest for the University of Oxford, where Mr. Gladstone was superseded by Mr. Gathorne Hardy, but the former found a ready welcome in his native district of South Lancashire, for which he was returned by a large majority. Nor was it long before the death of his great chief, Viscount Palmerston, which occurred in the month of October following, placed him at the head of the Liberal party, as leader of the Government in the House of Commons, though the Premiership was given to Earl Russell, as the veteran statesman in the new cabinet. It was in this year also that the nation had to mourn the loss of the great champion of the principles of free trade, Richard Cobden, who, notwithstanding the turmoil of parties, and the angry passions once excited by the Corn-Law controversy, had succeeded in winning the respect and esteem of all parties by his great moderation and self-restraint, even in the midst of the fiercest of political controversies.

1866.] — The newly-elected Parliament was opened on the 6th of February, on which occasion the Queen appeared in the House of Lords for the first time since the death of the Prince Consort ; but by reason of the weakness of her Majesty's health, and the recent death of her uncle, Leopold, King of the Belgians, she commissioned the Lord Chamberlain to read the Royal Speech from the throne. In it her Majesty emphatically noticed the abolition of slavery in the United States of America, designating it " an event calling forth the cordial sympathies and congratulations of this country, which has always been foremost in showing its abhorrence of an institution repugnant to every feeling of justice and humanity." The friendly meeting of the fleets of England and France in the ports of the respective countries was likewise noticed, as proving to the world their friendly concert in the promotion of peace and civilisation. Other topics were the marriage of the Princess Helena with Prince Christian of Schleswig-Holstein-Sonderbourg-Augustenburg ; the death of King Leopold I., of Belgium ; the suppression of the slave trade on the coast of Africa ; the complications with the United States, arising out of the injuries inflicted on American commerce by cruisers under the Confederate flag ; the renewal of diplomatic relations with Brazil ; the settlement of the long-pending disputes with Japan, by the consent of the Mikado to ratify existing treaties, and to revise the tariff in a manner favourable to European commerce ; the conclusion of a treaty of commerce with the Emperor of Austria ; the appoint-

ment of a commission under Sir Henry Storks, to inquire into the origin, nature, and circumstances of the deplorable events accompanying the recent outbreak in the West Indian Island of Jamaica, and the measures adopted in the course of its suppression, as also the proposal of the legislature of Jamaica for the abrogation of the existing political Constitution of the island, and its reversion to the position of a Crown colony; the recall of the regular forces from New Zealand; the progress of the scheme for the Confederation of the British North American colonies under one central and controlling authority; the spread of the cattle plague in Great Britain; the measures taken for the suppression of the Fenian conspiracy in Ireland; the reform of the law as relating to bankruptcy and the infliction of capital punishment; the alteration of the oaths to be taken by members of Parliament; and, lastly, the questions of extension of the franchise and Parliamentary reform, on which further information was promised to be procured and laid before Parliament. On all of the above topics a good deal of discussion took place during the session, and several Acts were passed, including the Roman Catholics' Oaths Bill; but that on which the political history of the year turns was the all-absorbing question of Parliamentary Reform. This one subject occupied the whole energies of the House of Commons, affected many political reputations, occasioned the secession of the Adullamites from the Liberal ranks, and eventually led to the overthrow of the administration, while out of doors the discussion of the subject engendered no small amount of popular excitement, which manifested itself in mass-meetings, processions, and political associations. Although commanding a majority in the House of Commons, and supported by influential public meetings, it soon became apparent that ministers would be unable to carry through their Bill if it aimed at any great alteration of the existing distribution of political power in the country. The fact was, that the Liberal party were much divided in opinion amongst themselves as to the nature and scope of the required Reform, whilst the cabinet had no well-considered measure, based on permanent principles, to lay before Parliament, but merely a hastily-drawn Bill, designed to extend the Reform Act of 1832 in a democratic direction, by the lowering of the borough and county franchises. The redistribution of seats they proposed to reserve for a separate Bill. The consequence was, that when the Chancellor of the Exchequer introduced the Franchise Bill of the Government on the 12th of March, it was but coldly received by the majority of the House. A considerable section of the Liberals lent it a feeble support.

whilst some of the ordinary supporters of the Government, including several very able and eloquent speakers, amongst whom were Mr. Lowe and Mr. Horsman, uncompromisingly denounced it as a step in the direction of democracy, and fraught with dangerous consequences to the welfare of the nation. It was likewise severely scrutinised by the chief speakers on the Conservative benches, who stigmatised it as a class measure, throwing the whole weight of political power into the hands of the ultra-Liberals who followed Mr. Bright. Under these circumstances, Earl Grosvenor moved a resolution, disapproving the introduction of a Franchise Bill apart from the entire scheme of Reform, on which a great debate followed, lasting eight nights, when the resolution was rejected by five votes only, and the Franchise Bill read a second time. The majority, however, being so slender, the Government proposed to lay their whole scheme before the House, and to proceed with the Franchise Bill and the Distribution of Seats Bill simultaneously. At the suggestion of Mr. Bouverie, both Bills were referred to the same committee, and the Redistribution Bill was read a second time without opposition; but when Sir R. Knightley interposed his instruction to the committee to make provision against bribery, it was opposed by the Government, who were defeated by a majority of ten, and the instruction against bribery affirmed: other amendments were proposed by Captain Hayter, Lord Stanley, Mr. Walpole, and Mr. Hunt, but were either withdrawn by the mover or rejected, so that the discussion of the two Bills, clause by clause, continued in committee, until the question, whether the rental or rating test should be adopted as the basis of the franchise had to be determined. Then Lord Dunkellin moved an amendment to make rating the basis of the franchise in boroughs, which being carried against the Government by a majority of eleven, Earl Russell's cabinet signified their intention of resigning, amidst a scene of excitement which had not been witnessed in the House since the period of the first Reform Act of 1832. Her Majesty at first hesitated to accept the resignation of ministers, especially in the present state of affairs on the Continent; but after a personal conference at Windsor, the Liberals resigned, and the Earl of Derby was sent for to form an administration. The task was by no means an easy one. The Conservative party in the House of Commons, though believed to be compact and unanimous, was yet in a considerable minority. Unless therefore they could rely upon some extensive assistance from the Liberal side, there appeared but little prospect of any stable Government being formed. Overtures were consequently made

to Liberals who had voted with the Conservatives against the Bill, and on this account were designated by the appellation of "Adullamites;" but they declined accepting office, so that the administration had to be formed out of purely Conservative elements. In the House of Lords, the Earl of Derby gave an exposition of the principles on which the Government had been formed, and of the policy intended to be pursued; but the session was fast drawing to a close, and little business, except of a formal kind, was got through. The affairs of India, and the Hyde-park disturbances, called forth some strictures on both sides of the House; but the Opposition offered no factious resistance to the course taken by the Government for the suppression of the latter, although some independent members thought they saw a design to trench upon the liberties of the people in the animus exhibited by the Government. At the close of the session, which terminated on the 10th of August, the Royal Speech signified her Majesty's regret that she had not been able to dispense with the exceptional legislation for Ireland, where the Fenian conspiracy still lingered, and required the continued suspension of the Habeas Corpus Act.

Turning from the consideration of the Parliamentary campaign to the general events of the year 1866, we find it a season exceptionally gloomy and unpropitious. Besides the anxiety occasioned by the complicated state of affairs on the Continent, where Prussia, having triumphed over Austria at the battle of Sadowa, was threatened with war on the side of France; the latter country brooking with ill grace the eclipse of her military prestige, and the consolidation of the powerful nationality of Germany on her eastern frontier; many domestic troubles combined to check the national prosperity. The dormant rebellion in Ireland acted as a political blight, driving away capital and enterprise from that portion of the kingdom; while, in England, the cattle plague continued to decimate our herds, and occasioned a loss in money estimated at no less than £3,500,000, while the cholera, having made its appearance in the east-end of London and other parts of England, carried off somewhere about 8,000 persons. Added to the enhanced price of meat, butter, milk, &c., the price of bread also rose to half as much again as it had recently been at, occasioned by the defective harvest, which was this year inferior both in quantity and quality, thus causing great distress and privation amongst the poorer classes; while the financial collapse, which occurred in the spring of this year, brought bankruptcy on many of the largest and apparently most prosperous firms; reducing many thousand families from comparative affluence to want. The day following the stoppage of the great discount establishment of

Overend, Gurney, and Co., the libalities of which amounted to no less than £19,000,000, the consternation in the city was such as had never before been witnessed. No single bankruptcy, perhaps, ever caused so great a shock to credit; and this being followed by the stoppage of the Agra Bank, Masterman's, Limited, and other Joint Stock Banks, the national credit seemed to have failed, and English securities fell into entire disrepute on the Continent. At home, one important class of securities was additionally discredited by the exposure of scandalous irregularities in the financial conduct of some of the railway companies. Fortunately the action taken by the Government in suspending for a time the Bank Charter Act, and empowering the Governors of the Bank of England to exceed their ordinary issue of notes, fixed the rate of discount at 10 per cent., at which it continued from the 11th of May to the 17th of August, and thus the worst consequences of universal bankruptcy, which at one time appeared to be threatened, were averted, and time was given for commerce to recover. But even after confidence had been restored, the effect of the panic was most disastrously felt in the labour market, where, enterprise being at a stand-still, vast numbers of mechanics, clerks, and workmen were thrown out of employ. Many families too, who had escaped entire ruin, were obliged to descend from a luxurious mode of living to a lower position in society, occasioning an extensive contraction of expenditure, the effects of which were felt through all the channels of trade, and especially by those who minister to the amusements and luxuries of the affluent. We have before referred to the immediate causes of these periodic financial crises. There was, however, one consolatory feature in the present depression, which showed that, however great the pressure on individuals, the sources of public wealth were happily untouched, and the commercial transactions of the country indicated no reaction. The returns of the revenue continued to show the same irrepressible buoyancy which had characterized for many years our financial system, exemplifying the facility with which the decrease of taxation brings about increase of national revenue, provided that the expenditure resources of the tax-paying portion of the community remain uncurtailed. For the year, the total revenue receipts amounted to £68,785,662 against £69,196,478 in 1865, showing a decrease of only £410,816 on the year, for which the recent reductions in taxation more than accounted.

1867.]—The year 1867 partook in great measure of the gloomy and unprosperous character of its predecessor. The unsettled state of the Parliamentary reform question, and the

uneasy state of public feeling engendered by the Hyde-park riots and Fenian disturbances, still continued to operate unfavourably on commercial enterprise, and the muttering of the storm which was brewing in the political atmosphere seemed to prognosticate great social changes in the fabric of society; but the early opening of the Parliament by the Queen in person on the 5th of February, and the allusion in the Royal Speech to the subject of the representation of the people, threw, as it were, a gleam of light on the obscured landscape, and political prophets began to divine a golden shower treasured in the thunder cloud. Mr. Gladstone, in a temperate speech in the Commons, disavowed any opposition to the Address; and in the Lords the Earl of Derby expounded the conditions under which alone he conceived legislation on the much involved question of Parliamentary reform to be practicable. But before entering upon this inquiry, ministers introduced several measures of urgent necessity, the most important of which were the North American Provinces Confederation Bill, a measure that had been for many years in contemplation, and which, if happily carried out, appeared to promise many advantages in the shape of economy and unity of administration, the increase of military strength and security against invasion, the removal of jealousies and complaints which sprung out of the rival interests of the several provinces, and last, but not least, increased facilities for commercial relations with the United States. The next was a Bill introduced by Mr. Gathorne Hardy, President of the Poor-Law Board, the main objects of which were to classify the inmates of workhouses, to provide an asylum for the sick and insane poor where they might be tended under proper medical care, to send the children to separate schools, to afford adequate medical assistance to the suffering poor by means of dispensaries, and to make arrangements for distributing over the metropolis portions of the charge for poor relief, although the honourable member stated on this occasion that he was not prepared to equalise the metropolitan poor-rates. A third Bill was introduced by Mr. Walpole, for appointment of commissioners to inquire into the proceedings of Trades Unions, which being approved by Parliament, the inquiry brought to light some of the most iniquitous crimes ever perpetrated for the purpose of restraining the free action of trade, and grinding down all workmen to one uniform standard of pay and trades regulations. The report of the Commissioners, however, which has now been published, shows that these abuses may be considered at present altogether exceptional. So long as the Unions were tribunals that met under cloak of night to frame and execute

their decrees, so long were they instruments for inflicting dreadful wrong, but the more they have been brought within the pale of the law, the less injury have they inflicted on property or life; a result which seems to warrant the conclusion that, like other corporate bodies, their power for evil will entirely vanish so soon as they shall have been fully brought within the cognizance of the law, and hemmed in by such well-defined rules as experience has shown to be requisite. On the 11th of February Mr. Disraeli, as Chancellor of the Exchequer, announced to the Commons the mode of procedure which the Government had resolved to adopt in regard to the subject of Parliamentary reform, and some days after introduced the famous "resolutions" which, after a somewhat stormy debate, in which most of the eloquent speakers of the time took part, the Government yielded to the clearly-manifested sense of the House and withdrew the resolutions in favour of a Bill. But the members of the Cabinet not being able to agree amongst themselves as to the character and scope of the proposed measure, the Earl of Carnarvon, Lord Cranborne, and General Peel retired, leaving the Administration considerably weakened, when some interesting disclosures took place as to the causes which led to the disruption of the Cabinet; the vacant offices, however, having been filled up with politicians of considerable eminence and more liberal views, notice was given of a Bill to carry the ministerial scheme of reform into effect, and a preliminary meeting of the ministerial supporters in the House of Commons was held at the Earl of Derby's official residence, by which the provisions of the intended Bill were almost unanimously approved. When the 18th of March had arrived, Mr. Disraeli came down to the House with the draft of the long-promised measure. In an exhaustive speech the Chancellor of the Exchequer explained at length the provisions on which the Government had at last resolved to take their stand. He said he would confine his observations to two points. He would first state the object of the Government, and secondly he would detail the means proposed to accomplish that object. The former was to strengthen the character and functions of that House, and to establish them on a broad and popular basis. Popular privileges and democratic rights, he asserted, were not identical; more than that, they were contradictory. He hoped that it would never be the fate of this country to live under a democracy, and this Bill had no tendency in that direction. Every Reform Bill proposed since 1832, had proceeded on diminishing the amount of the franchise qualification; and the majority in this House on Lord Dunkellin's motion last year decided, with unerring instinct,

that rating ought to be the basis of valuation. The Government had accepted the principle that the franchise should be associated with the payment of rates, and they proposed that every householder paying rates, and having resided two years, should be admitted to vote. In the counties the franchise would be fixed at £15 rating, which would add 171,000, and the lateral franchises would bring the total additions to the county constituency to some 330,000. Further, the Government had carefully considered the plan of cumulative voting and three-cornered constituencies, and had tried it at every point, but had come to the conclusion that it was erroneous in principle and would be pernicious in practice. Passing to the redistribution scheme, he announced that it was substantially the same as that described by him on the 25th of February, viz., that thirty seats should be redistributed, fourteen to new boroughs, fifteen to counties, and one to the London University. This scheme was variously received according to the political bias and individual sentiments of the respective members, and when it came to the second reading, Mr. Gladstone, as the leader of the Opposition, criticized some of its provisions with much severity, pointing out such points as the Government must be prepared to concede, while Mr. Bright brought the whole power of his sarcasm to bear on the conduct of ministers, who, under the false guise of household suffrage, qualified by an extra vote to 200,000 of a higher class, were about to renew the error of 1832, by the exclusion of the working classes from the franchise. "I hate," said the popular tribune, "the ways, I scorn the purposes of faction; and if I am driven now, or at any stage of this Bill, to oppose the Government, it is because the measure they have offered to us bears upon its face marks of deception and disappointment, and because I will be no party to any Bill which would cheat the great body of my countrymen of the possession of that power in this House on which they have set their hearts, and which, as I believe, by the Constitution of this country, they may justly claim." Under these strenuous protests of the inadequacy of the measure in its present form, the Bill passed a second reading, the Chancellor of the Exchequer intimating his readiness to satisfy the House by various concessions, so that the clause requiring the personal payment of rates, which he considered the grand principle of the Bill, was preserved intact, consenting even to withdraw the proposition of dual voting, so vehemently condemned by Mr. Bright. It was on this grand question of personal rating that the fiercest fight of all the session took place, the Liberals standing out

for the right of voting to be conferred on the "compound householder," notwithstanding the omission of personal payment of rates, while the Government persevered in considering this the vital point of their Bill. In consequence of this determination, the Liberal members held a meeting at Mr. Gladstone's house, at which it was resolved to entrust Mr. Coleridge with the proposing of an amendment directly designed to overthrow the rating clauses; but many of the Liberals resolved at a private meeting not to support the amendment, so that a division was effected in the Opposition, and the amendment in consequence abandoned. When the Bill had passed into committee, Mr. Gladstone resumed his opposition to the rating clauses, but on a division his amendment was negatived by a majority of 21; which greatly strengthened the position of Government and enabled them subsequently to concede many minor points with a good grace, such as the lodger franchise for the metropolis and larger towns, proposed by Mr. Torrens, and accepted with some modifications by the Government. The reduction of the period of residence in boroughs from two years to twelve months was carried against the recommendation of the Government; and, after much discussion, the vexed question of the compound householder was effectually disposed of by a motion of Mr. Hodgkinson, by which composition for rates was altogether abolished in parliamentary boroughs. The occupation franchise in counties proposed by the Bill to be £15, was reduced to £12 rating, and the education and tax-paying franchises were altogether struck out. Thus virtually reducing the franchise in boroughs to household suffrage, accompanied with the personal payment of rates and one year's residence, supplemented by a qualified lodger franchise of £10 in the metropolitan and certain other parliamentary boroughs, and in counties to an occupation franchise of £12 rating. The provisions of the Reform Act of 1832, however, still remaining in their original entirety, so that the new franchises may be considered as supplementary to that Act. On coming to the consideration of the clauses of the Bill relating to the redistribution of seats, it was resolved that the ancient boroughs of Lancaster, Reigate, and Great Yarmouth, having been convicted of gross bribery, should permanently be disfranchised, together with Totness, which had only 382 electors. Upon a resolution moved by Mr. Laing, it was decided against the Government, by a majority of 52 in a House of 306, that the amount of redistribution proposed by the Government Bill was inadequate to the exigencies of the occasion, especially as several new seats must be conferred upon Scotland, which had

increased disproportionately since the Union both in population and wealth, and therefore required to be more fully represented in the Imperial Parliament. In consequence of this vote, the Chancellor of the Exchequer undertook to remodel the Government scheme of redistribution. Having considered the matter during the Whitsuntide recess, he now proposed that in addition to the 30 seats originally contemplated for reappropriation, the Bill should take away 1 member from every borough now returning 2 which has a population not amounting to 10,000, which would leave 45 seats for redistribution. Of these he proposed to give 19 to boroughs, 25 to divisions of counties, and one to the London University, with which last he would unite the University of Durham; but when these particulars came to be debated, the ministers were defeated by a majority of 6 on the proposed junction of the University of Durham with that of London, the latter being allowed to elect a member for itself.

We have now to speak of the places affected by the Act. Twelve *Counties* are further divided, each new division returning two members, while 38 boroughs, from having a population of less than 10,000 in 1861, lose a member each; and *Merthyr Tydvil* and *Salford* return two members instead of one.

The new boroughs are ten in number, viz.—Darlington, Hartlepool and Stockton in the county of Durham; Barnsley in Lancashire; Wednesbury in Staffordshire; Dewsbury and Middlesborough in Yorkshire, and Gravesend in Kent each returning one member, besides Chelsea, which returns two.

The metropolitan borough of the Tower Hamlets was divided into two new boroughs: the one still called the *Tower Hamlets*, to consist of the parishes of St. George's-in-the-East, and Mile-end Old Town, Poplar, Stepney, and Whitechapel unions, together with the liberty of the Tower, with a population of 336,693: and the other, *Hackney*, comprising the parishes of Hackney, Bethnal Green, and Shoreditch, with a population of 311,152.

By a vote carried against the Government, Manchester, with 357,979 inhabitants, Liverpool, with 443,938, Birmingham, 296,076, and Leeds, 207,165, are in future to return three members, instead of two, as heretofore: but by the clause of cumulative voting, inserted by the Lords and approved by a considerable majority in the Lower House, no elector will be able to vote for more than two candidates; thus rendering these places three-cornered constituencies. This last-named clause, involving as it does a novel and very important principle, called forth one of the most animated and instructive debates of the session, and exhibited the peculiar phase of being

supported by the two ultra-sections of the House: the advanced Liberals and uncompromising Conservatives. In its original form it was proposed by Mr. Lowe, who desired to insert a clause, enacting that at any contested election for a county or borough every voter shall be entitled to a number of votes equal to the vacant seats, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit. The system of majority and minority, he said, worked well where there was only one candidate; but where there were two or more, it had a tendency to make the strong party stronger, and the weak party weaker. As a matter of abstract justice, the minority ought to be represented; and as a matter of expediency, the House ought to take measures to ensure that it was so. In this view he was supported by Mr. Mill, who said that it appeared to him that all persons should have power in that House in proportion to the power that they exercised out of the House. What they wanted to be represented was intelligence. If a member represented a constituency, two-thirds of which were Liberals and one-third Conservatives, it was a falsehood for him to say that he represented the whole intelligence of the borough. With like argument Mr. Fawcett also gave in his adhesion to the principle: "It does not seem to me," said he, "to be right that in a community, say of 11,000 Liberals and 9,000 Conservatives, or *vice versâ*, that the 11,000 majority should alone have a voice, and that the 9,000 should have no voice whatever; yet that is what obtains under our present system." Sir George Grey likewise approved the plan of giving to every voter two, but not three, votes; and this was the form in which the principle of favouring the minority was ultimately adopted. But Mr. Bright, whose borough (Birmingham) was one of those which would come under the operation of this clause, having three seats, opposed its introduction with the whole weight of his oratory. "He was astonished that Liberal members, especially Mr. Fawcett, who made declarations of democracy from which he (Mr. Bright) would shrink, should support the most violent attack on the principle of representation ever made in that House. He had not, and never had, sympathy with the disposition to adopt new-fangled propositions. He had always invited the House to march along the 'ancient paths.' Mr. Lowe had told them of the terrific state of things approaching, and this said clause afforded the only chance of arresting the impending ruin. But if a man should extract a snow-ball from an avalanche, would that avert the impending danger of destruction? If the fears regarding this Bill had any foundation, this

proposition would be insignificant and utterly worthless. In constituencies returning two members each, the majority would return one and the minority the other. You might as well put into an Act of Parliament, that in all boroughs returning two members to Parliament, the Liberals should send one member and the Tories the other. Then the House would be divided into equal portions, and they would always have to call upon Mr. Speaker to decide what the House intended to do." From the Conservative side of the House Lord Cranborne warmly supported the clause in its entirety, as proposed by Mr. Lowe. "The monarchical principle," said he, "is already dead, the aristocratical principle is doomed to death, and the democratic principle alone is triumphant. He warned the House not to be deceived by the glamour of the Chancellor of the Exchequer. The smaller boroughs would, in a future Parliament, be disenfranchised, and the seats would go to the larger constituencies. This clause would enable the minority in those larger constituencies to be adequately heard in the House of Commons; and though small in its immediate effect, it was great in its ultimate bearings. They only asked that, when they were giving absolute political power to a class which had never yet had it, the other classes should not be utterly effaced, but should have at least the power of pleading their cause in the face of those who would be their masters." Mr. Henley observed that this clause would only apply to twelve constituencies, and what was gained by the boroughs would probably be lost in the counties. The Chancellor of the Exchequer, Mr. Disraeli, confirmed this view, by stating that nothing could offer a greater contrast than the largeness of the principle involved in this clause and the smallness of its application. He could not agree with Lord Cranborne, that monarchy was dead, that aristocracy was doomed, or that democracy was triumphant. Aristocracy could not be doomed while it produced such men as the noble lord (Cranborne), and democracy could not be said to be triumphant because the Bill gave household suffrage. There were only four millions and a half of inhabited houses in England, and less than a moiety of the occupiers of these would be qualified. In the boroughs there were only 1,500,000 houses, and probably household suffrage would not enfranchise more than 300,000, or at the utmost 350,000 persons. But the Bill of last year would have enfranchised 200,000 persons; and the Bills of former years from 100,000 to 150,000. And who was it they were going to enfranchise? They were Englishmen, who had been born and lived under the laws and manners and customs of the country. He objected to these bugbears being made the foundation for

new legislation, which was to change the character of the Constitution of this country. On the 15th of July, the Bill having passed through committee, was read a third time, and passed without division, on which it was sent up to the Lords, where it received but few amendments. Lord Cairns carried a motion to increase the qualification of the lodger franchise from £10 to £15; also a clause to promote the representation of minorities in certain boroughs returning more than two members; the Marquis of Salisbury, a plan for taking the votes of electors by means of voting-papers. Also, amendments were inserted into the Bill for increasing the copyhold qualification, and for altering the law as to a dissolution of Parliament on a demise of the Crown, besides several others of minor importance; but the first-named alteration, viz., the augmentation of the lodger franchise, was abandoned at the instance of the Earl of Derby before the Bill was read a third time; and the others, with the exception of Lord Cairns' clause for favouring the minorities, were negatived in the Lower House, so that the Bill passed almost as sent up from the Commons, and received the Royal Assent on the 15th of August. After the passing of the Bill, an animated discussion took place in the Commons, turning chiefly on the conduct of ministers, and their presumed dereliction of principle, in giving way to popular clamour, and passing a measure entirely antagonistic to the creed which they professed. "If," said Lord Cranborne, "the omission of the restrictive clauses and the adoption of the principles of Mr. Bright be a triumph, then the Conservative party, in the whole history of its previous annals, had won no triumph so signal as this. Could Lord Derby's followers have penetrated this mystery, they never would have given the Chancellor of the Exchequer the majority which had enabled him to oust the late Government on the 18th of June, 1866." While Mr. Lowe denounced the Bill as founded on the principle of equality, and on the presumption that all men were equally entitled to the franchise, he protested against this dangerous innovation. Now, however, that the House had declared in its favour, all he could do was to express a hope that the people would be educated up to the standard to which they were to be raised. For his own part, he would have endeavoured to prevail upon his master to learn his letters before giving him so much power. But as matters now stood, all he could do was to urge upon the House the necessity of turning its early attention to the education of the people, in order to avert the consequences of a measure which every honest and educated Englishman regarded with shame, scorn, and indignation. Mr. Bright said the pre-

ceding speakers had alleged that the Conservative party had advanced to a point that he (Mr. Bright) thought dangerous, and beyond the point to which he had gone. But they knew that he had always maintained that household suffrage was the best permanent foundation for the franchise. But in practically dealing with the subject, he had been ready to accept propositions falling short of his own views; and although he would have accepted a more limited measure, he was not sorry that the House had agreed to this Bill, his own conviction being that it was safe in the end to grant household suffrage."

The Reform Bills for Ireland and Scotland were then discussed, but the former was postponed at the suggestion of ministers in consequence of the unsettled state of that country, and the latter, after having been read a second time, was also withdrawn, with a view to re-introduction in the next session. It is scarcely possible, as yet, to form any just estimation of the tendency of this great measure, and the wisdom of the organic changes which it has inaugurated. Among other measures passed this session, were the Factory Extension Act, and Agricultural Gangs Act, regulating the hours of labour, and prohibiting various practices debasing to the character of the working classes. Also the Oaths and Offices Bill, dispensing with religious tests, and throwing offices open to all denominations, except only the Lord-Lieutenancy of Ireland, which must be filled by a Protestant, belonging to the Established Church. A Bill for the Abolition of Church Rates was likewise passed in the Commons, but thrown out in the Lords; while a Bill introduced by Lord Lyttelton for increasing the number of English bishops, gave rise to differences between the two Houses, and was ultimately abandoned; as was also the Government Bill for confining the use of the parks to purposes of public diversion. This last measure was originated on account of the political demonstrations organized by the Reform League, which, under pretence of exerting a wholesome pressure upon the Government in furtherance of reform, brought together large numbers of workmen and unemployed persons of the lower classes. These political processions, marching through the main thoroughfares of London, much interfered with the ordinary traffic, and obliged the tradesmen of the west-end to close their shops, to the great detriment of business and the interruption of well-disposed citizens. It was, however, a very delicate legal point, whether these meetings for the proposed object of expressing political opinion were in themselves illegal, and could be suppressed without endangering one of the most cherished privileges of the Constitution, the right of public meeting. For these reasons,

the Parks Bill met with strenuous opposition, and was ultimately abandoned; but Mr. Walpole, on account of his want of decision and firmness in this matter of the parks, was compelled to retire from the Home Office, in which he was succeeded by Mr. Gathorne Hardy. Contemporaneously with the Reform League meetings held in London, mass-meetings of artisans and working-men were held throughout the country, in many instances under the presidency of the mayor or other local authority, with the object of convincing the Government that the working-classes were in earnest in their desire for political power; but invariably the strictest order prevailed at these monster demonstrations. Of a very different character were the Fenian meetings in Ireland, where several ineffectual attempts were made to overturn the existing Government; but at length, despairing of being able to overpower the authorities in Ireland, the conspirators conceived the bold idea of producing a stronger impression of their capacity for mischief by extending their operations to this country. At first, the attempt to commit open acts of hostility on English soil excited incredulous surprise; but later experience proved that a society long accustomed to law and order is necessarily unprepared to resist acts of abnormal violence. Their first design was to have surprised Chester Castle, in which a quantity of arms and munition were stored away; and a band of some 1,400 men actually assembled on the 11th of February in the streets of Chester, led by ex-officers of the American army; but the authorities having intelligence of the plot, prompt measures were taken for its defeat, and the would-be insurgents escaped with impunity back to Ireland, where risings were attempted in various parts of the island simultaneously, but proved completely abortive. In the autumn, the activity of the conspirators was once more transferred to England. On the 18th of September a most daring attack was made at Manchester on the police-van, which was conveying to jail two men named Kelly and Deasy, charged with being Fenians. Between forty and fifty men had assembled, armed with revolvers and other weapons, who surprised the few policemen in charge of the van, shooting the officer inside in cold blood because he refused to give up the keys of the separate cells, and, having liberated the prisoners, effected their escape. This was about four o'clock in the afternoon, but before morning William O'Meara Allen, the man who shot the policeman Brett, together with others, his accomplices, were in custody, and having been tried before a Special Commission, Allen, and two of his accomplices, were executed at Manchester on the 23rd of November, a day remarkable in

the annals of England, as the first occasion during the long and happy reign of our present Sovereign on which the gallows had been erected for culprits whose crime was that of political conspirators guilty of actual bloodshed.

It was only amongst a few wicked or misguided persons, that an attempt was made to elevate the convicted felons into the rank of martyred patriots; but, in Ireland, where the national sensibilities were aroused, funeral demonstrations took place, attended in some instances even by priests and soldiers, so that it required the utmost circumspection on the part of the authorities to allay the irritation, and yet to maintain the supremacy of the law.

Before the close of the same year, a still more diabolical plot was formed to effect the escape of two prisoners remanded on a charge of being accomplices in the murder of Brett, and at that time confined in Clerkenwell House of Detention. Notwithstanding the timely warning given by informers to the police, the conspirators contrived partially to carry out their design. To effect their object a barrel of powder was placed against the wall of the exercise-yard of the prison in broad daylight, and exploded under the very noses of the police, who appear to have been confounded by the audacity of the enterprise, and therefore to have neglected the most ordinary precautions. The effect of the explosion was to throw down about sixty feet of the wall, but as the time for exercise of the prisoners had been designedly altered, none of them succeeded in effecting their escape; the poor inhabitants, however, who occupied the houses on the opposite side of the street, were literally buried in the ruins of their shattered habitations; six persons were killed, and nearly fifty men, women, and children were more or less injured. This atrocious deed produced a deep impression on the public mind, and evoked on the part of the mass of the English nation a strong determination to uphold and vindicate the law, and to suppress with unflinching firmness every aggression by crime, or terrorism upon its authority. The invitation of the Government to the citizens of the metropolis and other large towns, to enrol themselves for the support of order, met with a prompt and willing response. Several months, however, elapsed before the persons suspected of being implicated in this plot, could be brought to trial. It was not before the following April (1868), that six persons were arraigned at the Central Criminal Court, charged with murder, in connexion with the gunpowder explosion. After a trial, which lasted eight days, the jury delivered their verdict, acquitting all but Barrett, the man charged with exploding the powder, who was executed

before the Old Bailey, on the 26th of May, and by a curious coincidence, this was the last public execution witnessed in England, a new Act having passed in the previous session of Parliament, providing that, in future, executions shall take place in the interior of prisons, before such officials as are specially designated in the Act.

As a pleasing contrast to these political troubles at home, we pass to the beneficent action exerted by England, on the course of European politics. The sound judgment of Lord Stanley, who then occupied the post of Foreign Secretary, was brought to bear on the vexed question of Luxemburgh. This strong fortress, situated on the confines of Germany and France, was, under former treaties, garrisoned by Germany; but since the dissolution of the Diet, and the aggrandisement of Prussia, at the battle of Sadowa, it was regarded by France as a standing menace to her national security, and she consequently demanded that Prussia should surrender it. At the instance of England, a congress of the Great Powers met in London, and a compromise was devised by which the exigences of the case were met; Prussia consenting to withdraw her garrison, on condition that the fortifications should be levelled and the district neutralised under the guarantee of the signing powers. On the conclusion of the treaty, discussions took place in both Houses of Parliament upon the expediency of the guarantee agreed to by our Government; but the explanations offered by Lord Stanley were considered satisfactory, and the noble lord was complimented on his sagacity and prudence. The execution of the Emperor Maximilian, in Mexico, the insurrection of the Greeks in Crete against the Turkish rule, and the barbarous imprisonment of the Queen's envoys in Abyssinia by King Theodore, likewise occasioned discussions in Parliament. This last-named subject becoming urgent for solution, the Government resolved upon calling an autumnal session, in order to provide the means of carrying into immediate effect the resolution which King Theodore's persistent refusal to give up his captives had compelled them to adopt, of enforcing their demands by a resort to arms. After an animated discussion in the Commons, on the causes and policy of the war, a vote of credit for £2,000,000, was finally agreed upon, to be reimbursed by an increase of one penny in the pound on the Income Tax of this year, and any further expenditure to be provided for out of the balances in the Exchequer, except such portion as was to be borne on the revenues of India.

1868.]—The conduct of the expedition was wisely entrusted by the Government to Sir Robert Napier, an officer of great

experience in Indian campaigning, and he was liberally provided with all material conditions of victory. By the 10th of April, the troops of the Abyssinian expedition arrived in front of Magdala, when the first engagement took place, in which Theodore's forces were repulsed with great slaughter. On the following day, all the European prisoners were dismissed to the English camp; but as the King himself refused to surrender unconditionally, the assault was made on the 13th, and the strong fortress of Magdala carried by storm. In the heat of the engagement, Theodore shot himself, which summarily put an end to the war. The English General, having attained his object, burnt and destroyed the fortifications of this natural fastness, which rendered it a terror to the surrounding tribes, and then commenced his return march in triumph on the 17th. Although little account was to be taken of the military resources of the enemy, which were entirely unequal to a struggle with any civilised power, yet the inaccessible character of the country, the distance to be traversed, and the impediments from natural causes, afforded a sufficient field for the employment of all the scientific resources of modern warfare. It was necessary to make a road for four hundred miles through forests, and over precipitous ridges; and the advance, although it was necessarily slow, was prosecuted without respite or unnecessary delay. By the use of conciliatory language, and of well-timed munificence, the commander secured the neutrality or assistance of the local chiefs, and native assistants were hired to diminish the incessant labour of the troops, while guns of the most recent manufacture were carried up mountain defiles by elephants, then used for the first time in African warfare since the days of Carthage and of Rome.

Returning to the consideration of domestic events, we are again met by the great question of Parliamentary reform, which had chiefly occupied the last session of Parliament, but which was now practically settled by the passing of the English Reform Act. It only remained to adapt the same principles to the two minor Reform Acts for Scotland and Ireland, which was no difficult task, and these measures passed with some slight modifications, due entirely to local causes. Before going into committee on the Scotch Reform Bill, Mr. Baxter moved in the Commons, that instead of increasing the number of members in the House, ten English boroughs, with populations under 5,000, should be disfranchised, which, after some discussion, was carried by 217 against 196. In committee, Mr. Bouverie moved the omission of the rate-paying clause, which was strenuously opposed by the ministry, but carried against them

by 118 to 96. Mr. Disraeli then moved to report progress, as the decision made it necessary for the ministry to consider what course it should take; and after an animated discussion, this was agreed to, and the committee adjourned to May 25th, on which day the Lord Advocate moved the insertion of words to prevent the registration of persons who were excused from poor-rates on account of their poverty, or who, being rated, had not paid, or who shall have received parochial relief in the previous twelve months. A resolution, proposed by Mr. Baxter, to give four representatives to Glasgow, was met by an amendment of the Chancellor of the Exchequer, who proposed three, which was agreed to on a division by 261 to 222. After which, the Scotch Bill passed through committee on the 8th of June, as did likewise the Irish Bill, on the 18th of the same month, all the clauses relating to the redistribution of seats in the latter having previously been withdrawn by the Government, and a number of proposed amendments rejected on division. Thus virtually closed the great controversy—that on Reform—which had monopolised the attention of Parliament for five successive sessions, retarding the passage of many salutary measures, and crippling the power of each successive ministry. It is likely that several minor improvements may be made in the Reform Acts which were passed by the last House of Commons elected under the Act of 1832; but, as regards the kernel of the question—the main qualifications for the borough suffrage—a household franchise has been universally accepted as a settlement for the present generation.

It was early anticipated that the remainder of the session would be devoted in the main to the state of Ireland, where, although for a time the Fenian conspiracy appeared to have become suspended or dormant; yet there was but too much reason to apprehend that disaffection had not permanently diminished. Even in regions far removed from the immediate source of the political malady, the virus appeared to be spreading. From Australia came the startling news of the attempted assassination of the Duke of Edinburgh,* by a miscreant named

* His Royal Highness the Duke of Edinburgh who, in command of the *Galatea*, had been visiting several parts of Australia, while being entertained at a public picnic at Clontarf, near Sydney, New South Wales, given in support of a Sailors' Home, was shot in the back by a man named O'Farrell, who avowed himself a Fenian. The ball traversed the body, circling round the ribs, for a distance of $12\frac{1}{4}$ inches, and lodged; it was extracted on the 14th, and on the 20th the Duke was able to return on board his ship, which was then ordered home. On the 30th, O'Farrell was arraigned on the charge of wounding with intent to kill, and was hanged on the 21st of April. He avowed before his execution that the act was entirely his own,

O'Farrell, reporting himself to be a Fenian; and from Canada we received intelligence of the murder of Mr. D'Arcy M'Gee, one of the most accomplished gentlemen and trusted statesmen of that colony, solely on account of the political views he was known to entertain with regard to Irish questions. It was therefore high time that some strenuous measures should be taken to repress such crying political evils; and the Government wisely pressed with vigour the prosecution against two Irish newspapers, the *Weekly News* and the *Irishman*, which had rendered themselves amenable to the law by the publication of a series of seditious articles in justification, if not of approval, of the Fenian outrages. The editors of these papers, Mr. Sullivan and Mr. Pigott, were found guilty, and on February 22nd, Mr. Sullivan was sentenced to six months' imprisonment, and Mr. Pigott to twelve months', both to find securities for their good behaviour for two years, or to a further imprisonment of six months. But, notwithstanding that the justice and expediency of these sentences were universally admitted, it could not help but be felt that something must be intrinsically wrong in the political administration of the government of Ireland, which rendered it possible for a few discontented agitators and discharged soldiers of the American army to arouse so hostile a spirit against England, in the breasts of a people so long and so intimately connected with this country, and for whom we desired nothing more than that they should be in as full enjoyment of peace and prosperity as England herself.

In this state of public feeling, Lord Mayo, as Secretary for Ireland, proposed again to suspend the Habeas Corpus Act for a period of twelve months—a proposal that said more respecting the state of Ireland than columns of speeches or volumes of statistics. That the Conservative ministry had an Irish policy beyond mere repression, was clear enough from their own indications; but a political accident delayed its development. After a distinguished political career, that had extended beyond the usual lifetime of a generation, with the badges of three short premierships on his political escutcheon, Lord Derby resigned his office on the ground of ill-health, and was succeeded by his twenty years' lieutenant, Mr. Disraeli. Early in March, the new Premier met the Commons, and was personally well received; but while making vague general declarations of a

and that he knew of no Fenian association in Sydney. Loyal addresses were almost simultaneously voted to the Queen from all parts of the colonies, and in New South Wales it was proposed to establish an Alfred Hospital in commemoration of the fortunate escape of the Prince, for which £30,000 was contributed on the spot.

“truly Liberal” policy, he postponed any ministerial declaration on Irish affairs until the day fixed (March 10) for Mr. Maguire’s motion for the appointment of a committee to take into immediate consideration the condition and circumstances of Ireland. That opportunity came, and Lord Mayo was the spokesman of the cabinet. He stated that ministers were in favour of partially endowing the Roman Catholic University, and that, though not opposed to “making all Churches equal,” they were against the disendowment of the Established Church—preferring that equality should be brought about, not by levelling down, but by “levelling up.” Most people inferred that these words pointed to the old policy—often advocated both by Liberal and by Conservative statesmen—“of paying the priests without despoiling the parsons;” but Mr. Disraeli, and Lord Mayo himself, afterwards repudiated this natural interpretation. On the 30th of March, Mr. Gladstone moved his resolution for disestablishing the Irish Church, which Lord Stanley met by an amendment for the appointment of a Commission of Inquiry; but whilst advocating the maintenance of the establishment, Lord Stanley admitted that the actual state of the Irish Church was indefensible, “as not one educated man in a hundred could deny.” After several protracted debates, the House was at length (April 3) divided on Lord Stanley’s amendment, for which 270 voted, against it 330, when Mr. Gladstone’s resolution being put, it was carried by 328 against 272, and the House adjourned to April 20th. These resolutions were merely preliminaries to a contemplated Bill, suspending for two years all appointments in the Irish Church. In his speech, introducing the Bill, Mr. Gladstone explained that the Irish Church was to be totally disestablished, or entirely disconnected from the State, and also that it was to be disendowed or deprived of its state revenues, but that care would be taken to respect all existing personal interests of incumbents, and even curates. It was further proposed to leave to the new Irish Protestant Episcopal Church, which would rise on the ruins of the Establishment, all the churches, parsonages, and glebes, as a donation, provided only that the communicants would provide for the necessary reparations of these structures. As for such portion of the revenues as could not be considered State endowments, but rather personal bequests or gifts, Mr. Gladstone proposed to leave them untouched; but the State revenues were to be entirely diverted from religious uses, and applied to such objects as might subsequently be determined, when the amount available should be better ascertained. After the Easter recess, the House again met, and Mr. Gladstone’s

second resolution was carried (April 30) by the increased majority of 65, there voting in favour of it 330, and against it 265. Mr. Disraeli then moved that the House should adjourn till May 4th, that the ministry might consult as to the course they should adopt. When the anxiously expected day arrived, Mr. Disraeli informed the House that he had tendered the resignation of the ministry to the Queen, who had declined to receive it; that he had then proposed a dissolution of Parliament, which she had agreed to as soon as the state of public business would admit, and that ministers therefore proposed to hold office, and bring forward such measures only as were necessary, during the session, to dissolve in November, and to leave the ultimate decision of their position to the Parliament elected by the reformed constituency. Mr. Gladstone declined entering into any agreement as to the course the Liberal party would take, but consented to postpone the discussion of the two remaining resolutions, and in the meantime to allow the other business to be proceeded with. Accordingly, in Committee of Supply, the remaining votes for the current expenditure of the year were taken, and the increase of the income tax from 4*d.* to 6*d.* in the pound was agreed to. There were but few other important political measures passed during this session; the principal being an Act for the total abolition of the compulsory collection of church-rates; an Act authorising the Government to purchase all the telegraph lines; and an Act for the better prevention of bribery and corrupt practices at elections, which last, had speedily an opportunity of being tested, and has proved the most efficacious measure of its kind as yet devised. We should also mention the Promissory Oaths Bill; the Capital Punishment within Prisons Bill; the Artizans' and Labourers' Dwellings Bill; the Regulation of Railways Bill; the Sale of Poisons Restriction Bill; Poor Relief Bill; and the Election Petitions Bill. In committee on the Mutiny Bill an important amendment was carried by 152 against 127, for abolishing flogging in the army.

Notwithstanding the accession of popularity acquired by the Conservative administration from the successful prosecution of the Abyssinian campaign, and its judicious foreign policy, by which not only a great European complication had been solved, but the disputes with the United States of America, relative to the *Alabama* claims, were advanced to a stage, bordering on solution, it became certain, even long before the time fixed for the election, that Mr. Disraeli's Government would be defeated by a large majority, when the strength of parties came to be tested, under the new Reform Act, at the hustings.

The general election took place in November, and great interest was naturally attaching to the result, which was not only to test the working of the great reform measure of last session, but was understood to be an appeal to the nation on the vital question of the abolition of the Irish Church Establishment. It was therefore a matter of no common interest which had to be decided, appealing to the religious sentiments and deep-seated convictions of every class, and, together with administrative retrenchment, was accepted as the basis of the Liberal programme. The new borough electors, as had been foreseen, for the most part voted with the Liberal party, and the returns during the first days of the elections showed a majority in favour of Mr. Gladstone of three to two. The balance was partially restored when the county elections were concluded, the Conservatives in the rural districts being largely in the ascendant, and even in several of the larger boroughs some remarkable successes were obtained by the latter. All the divisions of Lancashire, including a large manufacturing population, returned Conservative members, notwithstanding the canvass of Mr. Gladstone in the South-Western division, and of the heir of the great family of Cavendish in the Northern.

As soon as the result of the elections had satisfied ministers, even if they had entertained doubts before, that the appeal which they had made to the nation had been answered in the negative, and that the transfer of power from the Conservative to the Liberal party was only a question of days, Mr. Disraeli wisely determined not, for the sake of a few weeks longer continuance in office, to delay the course of public business, especially as by so doing he would necessarily compromise the interests of his own party, by a premature declaration of policy which might considerably hamper the free action of the Conservatives when in Opposition. Under these circumstances, the Premier hastened to place his resignation in the hands of her Majesty, and at the same time (Dec. 2) recommended her to send for Mr. Gladstone, as the statesman designated by the national voice. By this judicious and patriotic course of the retiring ministers, the preliminary business consequent on the opening of the new Parliament and the formation of a new ministry were got through in the fortnight which formed the short autumnal session of 1868, leaving the field clear for the great debate on the disestablishment of the Irish Church which was to form the prominent feature of the Parliamentary session of 1869.

CHAPTER XLIII.

VICTORIA ALEXANDRINA.

PERIOD IV.

FROM THE ASSEMBLING OF THE REFORMED PARLIAMENT
TO THE GENEVA ARBITRATION, A.D. 1869—1872.

CONTEMPORARY SOVEREIGNS.

France—NAPOLEON III., 1852-1870; REPUBLIC, 1870. *Austria*—FRANCIS JOSEPH I., 1848. *Prussia*—WILLIAM I., 1861; PROCLAIMED EMPEROR OF *Germany*, 1871. *Russia*—ALEXANDER II., 1855. *Spain*—PROVISIONAL GOVERNMENT, 1869; AMADEUS I., 1871. *Italy*—VICTOR EMMANUEL II., 1861. *Pope*—PIUS IX. 1846.

1869—Assembling of the Reformed Parliament—Disestablishment of the Irish Protestant Church—New Bankruptcy Act—Habitual Criminals Act—Endowed Schools Act—Confidence inspired by the results of this session—Comparative decrease of English Manufactures—Unsatisfactory state of our relations with the United States—Fenian Conspiracy—Opening of the Suez Canal and Pacific Railway.

1870—Assassination of British Subjects in Greece—Outbreak of the Franco-German War—Financial Depression—Danger to England on account of her alliance with Belgium—Treaty of London—New Foreign Enlistment Act—Vacillation of English public opinion—English bounty—Loss of the *Captain* turret-ship—Satisfactory legislation of this session—Peace Preservation Act—Irish Land Bill—Local School Boards—Purchase of the Telegraphs by Government.

1871—Close of the Franco-German War—Interposition of England in the negotiations—Threatened infraction of the Treaty of Paris by Russia—Danger of war—Conference of the Signatory Powers—Marriage of the Princess Louise with the Marquis of Lorne—Army Reform—Abolition of Purchase by Royal Warrant—Army Regulation Bill—Results of the Session—Match-box Tax—Affray in Phoenix Park on occasion of the royal visit to Dublin—Lodgers' Goods Protection, University Tests Abolition, and Trades' Union Bills passed—Treaty of Washington—Completion of the Confederation of the British North American Colonies under the title of "The Dominion."

1872—Rejoicings on the recovery of the Prince of Wales—Geneva Arbitration—The Emperor William's award—American Thanksgiving Day kept in Westminster.

1869.]—So arduous did this enterprise appear, that many politicians, though not doubting the ultimate result, confidently predicted that the overthrow of the Protestant Church of Ireland could not be effected until after a long and obstinate

struggle, involving probably the lapse of several years, and possibly the fate of more than one administration. Such, however, was not the conclusion arrived at by the new Minister himself, who recognised in the decisive majority accorded to the Liberal party in the late elections the verdict of the national will which sealed the fate of the Irish Establishment. "Never," said Mr. Gladstone, in the memorable speech which he delivered at the Fishmongers' banquet, given just before the assembling of Parliament, "in our history—certainly not within the history of living man—has there been an occasion upon which the issue raised at a general election was more intelligibly and distinctly raised than when the late House of Commons, condemned by the Government of the day, was summoned to the bar of popular opinion, there to receive its final acquittal or condemnation. Every man who had to give his suffrage throughout the country knew for or against what that suffrage was to be given; and if the issue was distinct, the verdict also has been distinct; for upon no occasion has the nation made its meaning more clearly known or laid down—alike for those who are the objects of its preference and for those whose opinions it was disposed to put aside—with greater clearness the lines of public policy and of action."

Closely following on the Premier's city oration, a fuller announcement of the ministerial policy was made in the speech from the throne, delivered by commission at the opening of the first session of the Reformed Parliament, which took place on the 16th of February.

The debate on the second reading of the Irish Church Disestablishment Bill lasted four nights, and called forth a remarkable display of eloquence on both sides. The principle of the measure having been affirmed by a majority of 118 in a House of 618, its passage through Committee was comparatively easy, and as the Liberal party continued to lend a steady and uniform support to the Government, the third reading was eventually carried by a majority of 114. When the Bill went up to the Lords, the war of words was renewed with even greater vehemence than in the Commons; but partly owing to the pressure brought to bear by the Government, and the strong expression of the national will, the Bill was suffered to be read a second time by a majority of 33, the Earl of Derby and forty-six other peers entering their protests on the journals of the House. In Committee, many important alterations were moved and carried against the Government, so that although the Bill was read a third time, the principle of the measure was so obscured, that when it was returned to the Commons,

Mr. Gladstone moved and carried resolutions to disagree with all the principal amendments. The Lords persisting in their opposition, the Government was again defeated in the Upper House, and Earl Granville, in the name of the Ministry, requested time to consult with his colleagues as to the course they ought to pursue. In order to obviate the evils which must necessarily have resulted to the country from the dead lock which threatened from the disagreement of the two Houses, a conference was arranged between Earl Granville and Lord Cairns which resulted in a compromise. The Bill was then remodelled so as to give effect to the understanding between the two parties, while retaining its more important features, and in this form was approved by the Commons. The principle of this measure was, and will no doubt continue to be for a long time to come, a matter of the keenest controversy and inveterate difference of opinion, but due credit must be rendered to the Gladstone Ministry for the statesmanship and energy with which the Bill was pushed through its various stages in Parliament, so as to become law within the brief space of five months from its introduction.

Although the Disestablishment of the Irish Church Act claims precedence as being perhaps the most remarkable legislative enactment of modern times, the parliamentary session of 1869 was by no means barren of other useful measures, foremost among which stand the New Bankruptcy, the Endowed Schools, the Habitual Criminals, and the Abolition of Imprisonment for Debt Acts. But none of these excited so much sensation out of doors as an abortive measure introduced by Sir Wilfrid Lawson, for restricting the sale of intoxicating liquors, and known as the Permissive Bill from the optional power it proposed to give to the ratepayers in any district to close all public-houses and taverns within their limits if a majority of two-thirds of the inhabitants could be induced to vote for it.

The close of the parliamentary session was hailed with unusual symptoms of rejoicing, not so much on account of the rich contribution it had yielded to the Statute Book, as the confidence inspired by the moderate and wise legislation of the session, in the applicability of the principles embodied in the new Reform Bill to the exigences of English society. It was impossible before the new Act had been tested by a general election, to prognosticate what influence the partial transfer of political power from the middle to the industrial classes might have on the stability of society, and, consequently, on the future prosperity of the country. But the results of the present session had convinced the most timid that no revolutionary

changes were imminent, and the consequence was increased activity in every branch of manufactures and commerce. This favourable reaction was the more welcome, as for several years there had existed a widely-prevalent notion that in some leading manufacturing industries greater relative progress was being made on the Continent than in England. That such was really the case, that in several trades English productions had become superseded by articles of foreign make, was established by the various official reports on the Paris Exhibition of 1867, which led to the appointment of a Select Parliamentary Committee for the purpose of investigating the present condition of English technical education as compared with that existing abroad. The results of later inquiries by such men as Dr. Lyon Playfair, Professor Leoni Levi, and Mr. Samuelson, M.P., afforded still more forcible evidence respecting the formidable industrial competition with which England was threatened. The instructive fact "that those wonderful inventions which have made this country illustrious, have ceased to be her exclusive property, and have to the fullest extent become the property of the world," accounts for, if it does not wholly explain, the causes which before the outbreak of the Franco-German war were operating so powerfully to retard the rate of increase in English manufactures as compared with those of France and Belgium.

The unsatisfactory state of our relations with the United States of North America also tended in no small degree to check the development of English enterprise and commerce, and at one time even threatened to bring the two Anglo-Saxon nations into hostile conflict. It was therefore with no small anxiety that the progress of the negotiations for ending those vexatious differences was watched by the public on either side of the Atlantic. When it became generally known that the American envoy had arrived in England with full powers to negotiate on the basis of mutual concession, great rejoicings and banquets were improvised by town councils and corporate bodies, at which a mutual exchange of congratulations was indulged in by the various speakers, both English and American, but all these premature felicitations were doomed to disappointment, for when the Convention for the settlement of the Alabama and other claims signed at London by the Hon. Reverdy Johnson, United States' Plenipotentiary, and the Earl of Clarendon, English Secretary of State for Foreign Affairs, came to be laid before the American Senate for ratification, it was rejected almost unanimously, only one vote being given in its favour.

In consequence of the failure of this attempt at negotiation, Mr. Johnson was recalled, and the accomplished historian, Mr. Motley, sent as American minister to the Court of St. James's, through whose personal influence and great diplomatic knowledge the national animosities which might have been engendered by this untoward event were happily averted, but the estrangement of American sympathies was detrimentally felt not only in commercial but in political matters. It was mainly in reliance on the support of American public opinion that the Fenian agitators in Ireland were emboldened to renew their open defiance of the English Government, and the very prisoners who had been released by the Gladstone Ministry on promise of their good behaviour, hesitated not to preside at public meetings and to encourage with all their might the infraction of the Queen's peace, till at length the Premier was compelled to declare in distinct terms that the amnesty which was sought by this agitation could not be conceded. On the 10th of October a monster meeting, held at Dublin, was attended by above 100,000 persons to demand the release of the remaining Fenian prisoners, all of whom had been convicted of murder or other heinous crimes. It now became impossible for the Government any longer to dally with treason, and means were taken to repress any outbreak by the strong arm of power, for which purpose several additional regiments were despatched to Ireland, and the Peace Preservation Act was proclaimed in Londonderry. These stringent measures fortunately averted any overt acts of violence, and most of the released Fenians took timely warning and deported themselves to the United States of America, where, as from a secure haven, they fancied they could conduct their hostile designs against England with greater effect. Whether the Irish vote had any direct influence in determining the policy of the American Government towards England is uncertain, but for their domestic political reasons the American statesmen were loath to offend the leaders of the Irish faction, who enjoyed such immunity from political restraint, that in the spring of the following year (1870), the Fenian, O'Neill, was able to attempt the invasion of Canada at the head of 2,000 political brigands, but at the last moment (May 25th 1870), he was arrested by the United States' Marshal. As a contrast to these irritating events, which continued to estrange the sympathies of the two great branches of the Anglo-Saxon family, the benevolent generosity of the great American philanthropist, George Peabody, in making the poor of London his heir, was rewarded by a public funeral in Westminster Abbey (Nov. 12th 1869), after which his remains were conveyed to America in

one of her Majesty's ships of war. So great honour had never before been done to any private citizen of a foreign state, and went far towards soothing the over sensitive feelings of our American cousins. Although not strictly of a domestic character, two events this year (1869) caused much rejoicing and excitement in England, especially in all the great centres of commercial enterprise; the partial opening of the Suez Canal by the admittance of the waters of the Mediterranean into the Bitter Lakes (March 18th), and the receipt of a telegram from New York, on the 15th May, announcing the completion of the Pacific Railway. The former of these undertakings was inspected by the Prince of Wales, who this year, accompanied by his princess, paid a visit to the East and was entertained by the Emperor of Austria at Vienna, and by the Sultan at Constantinople.

1870.]—In the early part of this year the just indignation of England was aroused by the dastardly murder by brigands near Athens of the Secretary of the British Legation and two other gentlemen, a deed which it was impossible for England to overlook—but the Government of Greece, alarmed at the serious consequences which threatened, promised to make prompt satisfaction, and, contrary to her usual custom, took steps to apprehend the instigators as well as the perpetrators of the crime and bring them to condign punishment. The danger of peace being interrupted thus seemed for the present to be averted, and commerce, which had languished ever since the great crisis of 1866, began to revive, when all of a sudden the dispute between the Emperor Napoleon III. and the King of Prussia, relative to the candidature of Prince Leopold of Hohenzollern for the throne of Spain, which it had been hoped was settled by the withdrawal of that Prince's candidature, was renewed by the declaration of France that she found her interests jeopardised, and would not be satisfied unless the King of Prussia should guarantee that no member of the House of Hohenzollern should at any time accept the crown of Spain (July 14th). This preposterous demand being followed up by menacing conduct on the part of the French Minister, precipitated the inevitable struggle between these two military states, which had been threatening ever since the Prussian victory of Sadowa, the real cause of the war being that France was indignant at beholding her military prestige eclipsed by a rival whom she both despised and feared. It was in vain that England endeavoured to mediate, the war fever had fired the blood of both belligerents, and on the 15th July the Emperor Napoleon III. proclaimed war with Prussia, to guard "the interests, the security, and the honour of France." Whether the

great diplomatist, Lord Clarendon, who had breathed his last only three weeks before (June 27th) and been succeeded in the English Foreign Office by Earl Granville, could have effected anything to avert the internecine slaughter, it is perhaps presumptuous to canvass. But without the aid of his diplomatic genius it was worse than useless for England to presume to meddle in the strife; yet on the 22nd of October, so ardent were the wishes of England for peace, that she again essayed to bring about an armistice, without, however, any better success than on the previous occasion. Even after the fortune of war had unequivocally declared in favour of Germany, it was impossible to persuade France to admit the inevitable, and she struggled on notwithstanding that her grand army was shut up in Metz, and her capital was closely beleaguered.

Although the influence of the Franco-German war upon the trade of England was, on the whole, materially beneficial; its effect on the exchanges of Europe occasioned much anxiety, and no small proportion of loss, the total reduction in the saleable value of the paper property of Europe being estimated at above one hundred millions sterling, and this before a single loan had been demanded. From this source of derangement, England, as the great centre of the monied world, could not entirely escape; but as the fears of her being drawn into the quarrel diminished, there was a general revival of money transactions, and the introduction of several foreign loans augmented the demand for money, so that the bank rate of discount advanced from 3 per cent. in July, to 6 on the 4th of August. The revenue returns in like manner showed an improvement of above half a million on the estimate made at the opening of the year; and this notwithstanding the discouraging circumstance of a deficient harvest and the supplementary vote of £2,000,000 for national defence. The chief danger to England from the Franco-German war was through her connexion with Belgium, whose territories, bordering on the confines of both the belligerents, were exposed to imminent danger of invasion, which she was totally unable to repel with her own unaided resources, so that England was driven to the alternative of either forsaking her feeble ally or else guaranteeing her integrity at the risk of involving herself in the contest, the effect of which would probably have been to bring on a general European war, such as desolated the Continent at the commencement of the present century, and the end of which no one could with any certainty predict. Under these circumstances, it was the supreme object of the statesmen who ruled England, to narrow the limits of the possible danger, by

signifying to each of the belligerents her intention to support the neutrality of Belgium, and with this object invited them severally to enter into treaty engagements with her, to respect the Belgian territory. These conditions were readily acceded to by Germany; and France, though somewhat reluctantly, added her signature to the Treaty of London (Aug. 9); the consequence of which was, that both French and Germans, as the war progressed, were in several instances compelled to surrender themselves prisoners of war to the Belgian pickets stationed on the frontiers. All danger of England being involved in the war, from the escape of *Alabamas* from her ports, was fortunately obviated by the new Foreign Enlistment Act, which enabled the Government to prohibit the building as well as the fitting out of suspicious vessels, until satisfied that they were not to be employed for any illegal purposes.

Notwithstanding the absorbing interest centred on the great military struggle now going on on the Continent, every stage of which was watched with the intensest anxiety in England, as the telegraph every morning and evening flashed the news of some great victory or disaster, the legislative progress of the year was eminently satisfactory, many important acts being added to the Statute Book, amongst these were the Peace Preservation Act, the Irish Land Bill, giving security of tenure to Irish tenants, the Elementary Education, the Married Women's Property Protection, the Local School Boards, the Absconding Debtors, the Superannuated Clergy, the Militia Embodiment, and the Military Services Acts, as also one for abolishing forfeitures for Treason and Felony. Under the new act above mentioned, the first election took place for the Metropolitan School Board, and the Government put in practice the Telegraphs Act, passed in the preceding year, by the purchase of the plant, and interest of the Telegraph Companies for the sum of £5,715,048 thus completing the Postal Department of the State.

A most extraordinary disaster marked this year, the loss of the English iron-clad man-of-war, the *Captain*, built on Captain Coles' turret principle, which capsized in the Bay of Biscay, and went down in a comparatively fine night with its inventor and a magnificent ship's company on board, not a soul being saved to tell the tale.

1871.] —The Franco-German war having now lasted 210 days, both nations became weary of the struggle, and an armistice was concluded in order to facilitate the elections in France, preparatory to the conclusion of a treaty of peace, which was ratified (March 2nd) by the National Assembly at Bordeaux, when the Emperor Napoleon III., then a prisoner in Germany, was for-

mally deposed, and retired to England, landing at Dover (March 20th). In this stage of the negotiations, England was appealed to by France to use her interest with King William I., now proclaimed Emperor of Germany, for obtaining a mitigation of the conditions of peace, which were considered extremely onerous, and succeeded in procuring an abatement of £40,000,000 in the tremendous war-indemnity of £240,000,000 demanded of France, in addition to the surrender of the ancient German provinces of Alsace and Lorraine, since become integral portions of France, and to which the people, though of German extraction, were devotedly attached. Just as Europe was recovering from the consternation and horror of the Franco-German war, the political horizon was suddenly obscured by the revival of the Eastern question, which threatened to plunge Europe again in war; and on this occasion, England was one of the chief Powers interested, so that she would have been compelled to take a leading part in the conflict. The ground was the refusal of Russia to abide by the terms of the Treaty of Paris of 1856, which precluded her from the navigation of the Black Sea, and the erection of arsenals on her southern shores. Instead of appealing to the Signatories of the Treaty of Paris to mitigate the severity of the conditions of which she complained, Russia adopted the high-handed course of officially notifying her intention to violate the restrictive clauses of the Treaty; and as France, which had been chiefly instrumental in imposing these conditions, was now crippled, it devolved mainly on England to maintain the integrity of the Treaty to which she had affixed her signature; and the English Government did not hesitate, on this occasion, to assert her determination to defend, by arms, the validity of her treaty engagements, whether she had "to fight Russia with or without allies." The difficulty was much simplified when Turkey, Austria, and Italy all voluntarily declared their determination to aid England in the event of an appeal to arms; but this necessity was fortunately averted by the intervention of the Emperor William of Germany, who, on being appealed to by England to use his good offices with his nephew the Czar, undertook to negotiate an agreement, at least so far that the question might be referred to a conference of the Signatory Powers, which met at London on the 17th January, when Russia, having first given her signature to an acknowledgment of the obligatory character of Treaty engagements, the conditions of the Treaty of Paris were revised in her favour, and she was allowed to equip vessels of war in the Black Sea; an equivalent, however, being conceded to Turkey, in the per-

mission to open the Dardanelles to war vessels of any friendly power, at the discretion of the Porte. This disagreeable business having fortunately been disposed of, Parliament was opened by the Queen in person on the 9th of February, when she notified her consent to the approaching marriage of the Princess Louise with the Marquis of Lorne, eldest son of the Duke of Argyll. This marriage, which was very popular in England, has a constitutional interest as being the only instance within the present century in which the royal assent has been given to a marriage of a member of the royal house with a subject, and that subject a commoner; for although the Marquis of Lorne is the heir of one of the oldest and proudest families of Great Britain, while his father is alive he ranks only as a commoner, and, if elected, might sit and vote in the House of Commons.

Now that the French campaign was ended, it was rashly surmised by some of the leading English journals that Prussia intended to employ her armaments against England. And the conviction of our military unpreparedness, which had haunted the public conscience during the whole duration of the Continental strife, now caused the general voice of the country to demand of the Ministry a vigorous revision of our military system, based on the experience of the late campaigns. Foremost amongst these reforms, the "abolition of purchase" in the army was pointed out by military critics as the first great step required. But so vehement was the professional opposition in Parliament to this reform, and so potent the influence of vested interests, that the Army Regulation Bill was thrown out by an adverse vote of the House of Lords on the 19th of July, and there appeared but little chance of its passing even when re-introduced. Under these circumstances, Mr. Gladstone's ministry adopted the bold resolve of recommending Her Majesty to abolish the purchase of commissions in the army by Royal Warrant (July 21st). This step was certainly open to criticism after the subject had been submitted to the consideration of Parliament, and was declared by many politicians to be unconstitutional. It is, however, defensible on the ground that such an anomaly was impossible to be maintained after the Government of the day had declared that its abolition was necessary, and the Royal Prerogative was certainly amply sufficient to give it warranty. Earl Granville in the Lords, and Mr. Gladstone in the Commons, however, were careful to explain that the Queen had acted, not in the exercise of prerogative, but in virtue of a statutory power conferred by an Act of George III. Not only the Conservative, but the Liberal

journals, expressed their utter disapproval of the ministerial policy in this particular; and the House of Lords went so far as to pass a vote of censure on the Government; but the country generally was serious on the question of army reform, and seemed to attach but secondary consideration to the form of procedure, notwithstanding the eloquent denunciation of it by Mr. Disraeli in the Commons as "part of an avowed and shameful conspiracy against the undoubted privileges of the other House of Parliament," language so forcible that he was admonished by a hint from the Speaker to recall his words. The strongest obstacle to the proposed abolition was the necessity of spending several millions for a purpose which tended but indirectly to promote the efficiency of the army, and which had no bearing on its numerical strength. The House of Commons, however, in this respect, acted with a wisdom and generosity which ought to have dispelled all selfish opposition, by providing abundant means for dealing justly and liberally with the private interests involved.

The Ministry were particularly unfortunate this Session in their attempts at legislation on several important questions which brought them little but failure and mortification. The Army Reform Bill was passed by the Lords, but under protest, in order not to deprive the officers of the army of their pecuniary compensation, while Mr. Bruce's Licensing Bill was violently opposed by the Licensed Victuallers, and ultimately withdrawn, as was likewise the ministerial Local Rating Bill; the Vote by Ballot Bill passed the Commons, but was for this year thrown out by the Lords, as was the Deceased Wife's Sister's Bill, which last was defeated by an increased majority. Mr. Lowe was equally unfortunate with his Budget, which he was compelled to withdraw for revision, after having excited a storm of popular indignation at his attempt to impose a Match-box Tax. In a less important matter, which nevertheless excited strong local interest, Mr. Gladstone and Mr. Lowe unnecessarily exposed the Government to defeat, by an injudicious attempt to pass a measure for the enclosure of Epping Forest. Not more successful was the Government attempt to wrest from the citizens of London, under colour of Crown rights, their fair share of the land lying beside the western portion of the Thames Embankment. The conduct of the authorities in their management of the fatal affray which took place in Phoenix Park, Dublin, on occasion of the Prince of Wales's visit in August to the Irish capital, likewise tended to shake the public confidence in their administrative abilities. Notwithstanding the many legislative failures, we owe to this

session three measures of great value, the Lodgers' Goods Protection, the University Tests Abolition, and the Trades' Union Acts, which last involve an equitable compromise between extreme theories on the much-vexed questions of capital and labour.

As the year was drawing to a close, an event occurred which stirred the national sympathies to a degree not witnessed since the year 1861, when the Prince Consort succumbed to the very same disease with which his eldest son, the Prince of Wales, was now suddenly seized on his return to his country-seat at Sandringham, after a visit to Scarborough; great was the popular anxiety for his safety manifested by every class of society, and not least by the British workmen, who might be seen standing in groups at the doors of the newspaper offices, reading the latest bulletins, while prayers for his safety were spontaneously offered up in the most distant lands by Mohammedans, Parsees, and the worshippers of Buddha, who vied with the Christians in their supplications to the Almighty Ruler of the Universe, to spare the life of one so dear and so valuable to the happiness of the human race, a prayer which was graciously answered by the restoration of the heir of England to his wonted health.

As a set off to the unfruitfulness of the political session, the Foreign Office was particularly active. Ministers succeeded in bringing to a close two threatening foreign complications, viz., that with Russia relative to the navigation of the Black Sea, to which reference has been made before, and that with America relative to the *Alabama* claims and other outstanding differences, which were referred by the Treaty of Washington (concluded May 9th, 1871) to final adjudication by a Court of Arbitration, appointed to meet at Geneva in the following year (1872), with power to determine all questions except the San Juan boundary, which was referred to the decision of the Emperor William of Germany.

As these pages were passing through the press, both the above-mentioned awards were delivered, and in a sense adverse to the English interpretation of treaties.

CHAPTER XLIV.

VIEW OF THE CONSTITUTION.

Liberty of the individual—Democratic basis of the Constitution—Difference between the governments of ancient and modern times—Theory of limitations—Mixed character of the English monarchy—King, Lords, and Commons—Composition of the Upper and Lower Houses—Freedom of elections—Authority of the Sovereign—Powers of Parliament—Danger to the Liberty of the Subject from the claim of exclusive privilege—Controlling power of the Commons—Royal prerogative—Its limitations—Right of Impeachment—Ministerial responsibility—Judicial Functions of the Lords—Judicial system—Independence of the Judges—Their exclusion from the House of Commons—Concluding remarks.

IN the preceding chapters we have traced the history of the Constitution, from its first rise in the free institutions of our Saxon ancestors to the period of its greatest theoretical perfection under the Plantagenet sovereigns, when it may be said to have become permanently fixed, and following the course of events have seen how, by a well-adjusted balance of power between the King, the nobles, and the people, the delicate political machine was enabled in subsequent times to recover its equilibrium, without any of those sudden shocks which have periodically convulsed society in other countries, after each successive storm to which it was subjected—at first, from the undue influence of the nobles during the Wars of the Roses; secondly, from the arbitrary encroachments of the royal prerogative under the Tudors and Stuarts; and, thirdly, from the overwhelming power of the democracy during the Commonwealth—till at length, overcoming all these obstacles, it has become the most stable, as well as the most liberal Government in Europe, and is accepted as the prototype of all other constitutional monarchies. It now remains only to point out more particularly its practical working, and the manner in which the liberty of the subject is secured by its safeguards: I mean, the liberty of individuals; the great object of all civil government being to secure to the individual the exercise of his natural rights, the constitution which effects this with the least sacrifice of personal liberty is unquestionably the most perfect. The inquiry, then, is the extent to which individual action may be permitted without infringing the similar right in others; this is termed *private liberty*, which may be defined as comprehending—first, the right of *property*, that is, the right of

enjoying exclusively the gifts of fortune, and all the various fruits of one's industry; secondly, the right of *personal security*; thirdly, the *locomotive faculty*, taking the word liberty in its more confined sense: these privileges are what are termed by the common law the *inherent birthright* of every Englishman. On this democratic principle of the English law is based the fundamental principle of the Constitution—the *equality of civil rights*. While other nations, following the principle of the civil law, have admitted the supremacy of the State, whether monarchy, aristocracy, or republic, over the individual rights of citizens, the English law knows no master; the King, as well as the meanest subject, is bound by its restrictions, and his neglect to observe them constitutes of itself his abdication. It is, therefore, in strict conformity with the rules of logic, that Coventry Dick infers, in his "Nature and Office of the State," that the main difference between the English and other Governments consists in the doctrine of limitations. According to the philosophy of the ancients, the State was lord paramount; the individual was nothing—the body politic everything. This notion of the supremacy of the governing power was universally accepted and realised in the ancient world; all authorities were gathered into a focus, and wielded by one will. One body then represented the State, the Church, the family, the proprietor, the social opinion. There was an entire union of functions in the Government; it regulated everything for the inhabitants who lived under its sway. The Hebrews as well as the Greeks invested their rulers with these absolute powers, or rather, we should say, these powers were exercised by their rulers, because the ideas underlying them were in harmony with the genius of the people. Religion and all the other great governing powers were as completely centred in the Governments of Sparta, of Crete, of the Ionian Republics, as in the theocracies of Palestine. Public worship and the regulation of conscience were as much provided for by the State in Greece and Italy as in Syria. Josephus remarks, the only difference in the polity of the Jews and of the Gentiles was this—that, with the former, religion was regarded as the most important of all the elements of which politics is compounded. Solon and Lycurgus held that piety was one of the chief of the civic virtues; Moses, that all the other virtues were only component parts of piety. But, whether in monarchy, theocracy, or republic, the unity of power was maintained. The State, considered in its aggregate capacity, was absolute master; it owned everything, it controlled everything, and it professed to arrange everything.

It is only in modern times, that the idea of setting limits to the governing power has been entertained; and of this new theory, Locke is probably the best expounder. While admitting the implied contract between the individual and the State, he contends that the contracting parties only surrender a portion of their individual liberties and rights, retaining others which they are competent to hold good even against the State itself. In this doctrine, he was followed by Warburton in England, and by many distinguished continental jurists; amongst others, by the celebrated Marquis di Baccaria—from whom Jeremy Bentham borrowed the famous formula, “The greatest happiness of the greatest number”—long practically recognised in the English Constitution, notwithstanding the contrary assertion by Burke, and now rapidly spreading among civilised communities. “No man,” says Baccaria, “ever gave up his liberty for the mere good of mankind.” Nor is any one competent to unmake and negative his own manhood. Fortune, pleasure, even life, a man may, on reasonable need, sacrifice for the world; but not his liberty of self-judgment, or, in another word, his conscience.

If this principle of limited authority be admitted, it naturally follows, that no man can be required to consent to laws which he has not himself, either personally or by his representatives, been concerned in making: hence the division of the Government into two distinct branches, the legislative and the executive; the last of which involves the prerogative of the Crown. The next principle of importance in the English Constitution is the division of the various functions of Government between King, Lords, and Commons; for the supreme power of the State being vested in several bodies, the consent of each is required to the performance of any legislative act: thus, no change can be made in the laws, nor any addition to them, nor any act done affecting the lives, liberties, or property of the people, without the full and deliberate assent of each of the ruling powers. The freedom of justice and the impartiality of the law are thereby secured, and the people are alike preserved from the outbursts of popular violence and the tyranny of arbitrary power.

These great primeval and enduring principles of our Constitution have been more exactly defined by Professor Creasy as follows:—“The government of the country by an hereditary sovereign, ruling with limited powers, and bound to summon and consult a Parliament of the whole realm, comprising hereditary peers and elective representatives of the commons. That without the sanction of a parliament, no tax of any kind

can be imposed; and no law can be made, repealed, or altered; that no man be arbitrarily fined or imprisoned; that no man's property or liberties be impaired, and that no man be in any way punished, except after a lawful trial—trial by jury; that justice shall not be sold or delayed." These principles can all be proved, either by express terms or by fair implication, from Magna Charta, and its supplement, the *Confirmatio Chartarum*. Their vigorous development was aided and attested in many subsequent statutes, especially in the Petition of Right and the Bill of Rights; which latter deserve to be cited, not as ordinary laws, but as constitutional compacts, and to be classed as such with the great charter of which they are confirmers and exponents.

It should be observed, however, that, although these two last-named statutes, the Petition of Right and the Bill of Rights, are of a later period than that assigned to the theoretical perfection of the Constitution, the principles which they define, and more particularly guarantee, were in their integrity admitted and acted upon by the Plantagenet sovereigns. Edward I., in the early part of his reign, avowed the noble maxim that, "What concerns all should be by all approved, and common dangers should be met by remedies provided in common;" and subsequently, when replying through the Archbishop of Canterbury to a Papal demand, the same king avowed that, "It is the custom of the kingdom of England that, in matters which regard the state of the realm, the advice of all those interested in the matter should be taken." Edward I., observes Professor Creasy,* deserves to be regarded as the chief institutor of Parliamentary government in this island. The example of summoning representatives of all free classes of the commonalty to the great council of the state had been undoubtedly set by Simon de Montfort; but Edward made the convening of each Parliament the regular custom of the kingdom under the orderly rule of its lawful sovereign, and not a mere anomalous and exceptional result of civil warfare and of the temporary supremacy of a victorious insurrectionary chief. Indeed, in the opinion of those† whose judgment on such topics is of the highest authority, it is from the reign of Edward I. that the English Constitution is to be dated, if we understand as the main principle of that Constitution that it is a government by King, Lords, and Commons. In this reign we have evidence from writs, that

* Hist. England, vol. i., p. 445.

† See Hallam's "Middle Ages," vol. i., p. 2; Guizot's "Hist. of Representative Government," part ii., sec. xiii.; Creasy's "Hist. Eng." vol. i., p. 443.

twelve complete Parliaments were held, to which representatives of the principal cities and towns and knights of the shire were summoned, besides several great councils, at which the nobles and prelates attended in person, and which were in the nature of Parliaments, but to which only a few commoners were specially summoned by the Sovereign. The right mode in which we should view these latter assemblies is indicated by M. Guizot, who observes that, at first, no definite legal distinction existed between the powers exercised by the King with the assent and advice of his baronial councils and those exercised by him with the concurrence of those larger assemblies, in which representatives of county freeholders and of boroughs had seats, and to which alone we should give the title of Parliament, according to the modern acceptation of the word. But it became Edward I.'s usage to convene those larger bodies, those full Parliaments, when subsidies were required by him; and this custom became an established right during the two succeeding reigns, so that no new laws were enacted, nor matters of importance transacted, without the previous consultation of the Commons. The Legislature or Parliament (so termed from the French *parlementer*, "to parley," or "debate"), thus constituted, consisted of the King, the Lords Spiritual and Temporal, and the Commons. But the precise period at which the division of Parliament into two Houses took place is not definitively settled. Professor Creasy* says, "The usage seems in some respects to have varied during the early part of Edward I.'s reign, and it is difficult to speak with certainty on a subject which no contemporaneous chronicler has noticed, and where the inferential arguments, from the forms, or from the non-appearance of writs and other documents are scanty and conflicting. Some writers take the beginning of Edward III.'s reign as the earliest time at which we have proof of the Houses being divided as at present. I rather adhere to the general opinion that the Commons, consisting of knights of the shire and of burgesses, sat and deliberated apart from the higher body of the assembled prelates and great barons before Edward II. had come to the throne." It is also very important to note the relative proportion of political power enjoyed by the several constituent elements of Parliament, and the functions assigned to each. In the earlier times of which we have just been speaking, the Upper House, consisting of the Lords Spiritual and the hereditary Temporal Peers, exercised a much more powerful influence, in comparison with the Commons, on all political affairs, than at subsequent periods. But this influence was not excessive in comparison with the su-

* Hist. Engl., i., p. 448.

perior wealth, numbers, and education of the nobles in proportion to the rest of the community. It must be borne in mind that, in the earlier ages, wealth consisted chiefly of landed estate, and the greater part of the land was concentrated in the hands of the great families. Even so early as the great Charter of John a distinction appears to have been established between the more powerful and opulent barons (the *majores barones*), each of whom was entitled to be individually summoned to the great council of the realm, and the lesser barons or military tenants-in-chief of the Crown. This distinction became more marked under the Plantagenets, when the descendants of the original barons became the hereditary peers of England. The two famous statutes, "De Donis" and "Quia Emptores," passed by Edward I., greatly tended to consolidate, and to continue the power, of the great landowners, who, at that time, were identical with the great nobles; the former, by enabling the owners of land to "entail," or settle their estates on their descendants, so that the property should be kept permanently in the family; and the latter, by prohibiting the sub-infeudation of land by military tenants, that is to say, if any free man would sell or part with his lands, he might do so at his pleasure; but then the new owner should hold the land, not of the tenant, but direct from the original chief lord, whose right to the old services and feudal claims should be unaffected by any change of tenants. In these statutes, and in the very ancient veneration of the English nation for landed property, as compared with all other property, is to be found the origin of the aristocratic element in our national institutions, and the true source of the power wielded by our House of Lords. "The wish," says Professor Creasy, "for the existence of a territorial nobility, and of a territorial gentry, respect for ancient lineage, a desire that considerable estates may be kept together in single hands,—these are feelings by no means confined to the classes that are directly benefited by their prevalence. Many may argue against these opinions, many may deride them, but there are very few of us who are wholly insensible of their influence." It is probably equally true, that in after ages these statutes, by concentrating estates in a few hands, may have partially operated to retard the development of popular progress, and prevented the greater diffusion of landed property amongst the mass of the people; but at the time when they were passed the existence of a strong aristocracy as the main counteracting force to the power of the Crown, that of the Commons being yet immature, was of incalculable advantage to the cause of liberty, and no mean element in the fixing of the Constitution. Another cause of the weight

enjoyed by the Upper House in the early Parliaments was the presence of a more numerous body of Spiritual Peers, comprising not only the bishops, as in modern times, but the abbots and priors, who were large territorial lords, and exercised an excessive influence over all grades of society, not only by reason of their wealth, but of their superior education. For this latter reason, too, churchmen were selected by the Sovereign to fill most of the superior offices of state. At first, there can be no doubt, the Temporal Peers of the Upper House derived their title to sit in Parliament from the tenure of their baronial estates; but it very early became a constitutional maxim that the King's writ of summons, if obeyed by the baron in the first instance, conferred of itself an estate in the dignity and privileges of a peer, with a concomitant ennoblement of blood, which descended to his lineal, though not to his collateral heirs; subsequently, the practices of creating peers in Parliament and by patent were introduced. The special privileges claimed by the Lords are, the right to demand the attendance of the judges and other law-officers when they have occasion for their advice or assistance, the right by permission of the Crown to vote by *proxy*, the right of any peer to enter his *protest* on the journals of the House against any vote from which he may dissent, and the determining of all questions affecting the constitution of the Upper House, or the validity of patents of nobility; and last, but not least, the right of the Lords to sit as the Supreme Court of Judicature, before which not only members of their own body are to be tried, but all great and enormous offenders, including ministers of state, who, in the first instance, are impeached by the Commons in the name of the commonwealth, but are adjudged by the Lords. Indeed, the judicial function of the Lords is their noblest attribute, and places them next in position to the Sovereign, for there is no other court which could safely be entrusted to give an unbiassed decision when it should see appearing at its bar the Government itself as the accused and the representatives of the people as the accusers; but the exalted position of the Peers, and their own personal consideration, render them alone competent to exercise the function. It should be observed that, although the Lords Spiritual and Temporal constitute two distinct estates in the eye of the law, and in most Acts of Parliament are severally distinguished, yet in practice, they are usually blended together under the name of the Lords, and intermix in their votes. And this is entirely in accordance with the spirit of the Constitution, for the Spiritual Peers do not enjoy their legislative functions by right of their ecclesiastical preferments, but as the holders of

the temporalities of their sees, which, in the eye of the law, constitute ancient baronies under the Crown. This explains the cause why only the two Archbishops of Canterbury and York, and the twenty-four original bishops of the English Establishment have seats in the Upper House, but not the bishops of the newly-created sees, who only enjoy an ecclesiastical dignity, as do likewise the bishops of the Episcopal Church of Scotland. The Lords Temporal are of five degrees, viz., dukes, marquises, earls, viscounts, and barons, and either sit by virtue of a patent of nobility granted to them or their ancestors by the Sovereign, or by right of tenure, as in the case of the castle and honour of Arundel. The number of English peers is not limited, being regulated at the pleasure of the Sovereign, and each peer sits on his own account alone; but the Scotch peers, who have seats in the Upper House, are limited to sixteen, and they are elected by the ennobled aristocracy of that country for one Parliament only, while the Irish peers are limited to twenty-eight, and are elected for life by the general body of the Irish nobles. It should also be observed that, although the sons of the higher nobility bear the inferior titles of their fathers during the lifetime of the latter, they have no right to a seat in the House of Lords, unless specially ennobled by the Sovereign, and if elected for any county or borough, sit in the Lower House and vote as Commoners, to which grade they really belong, there being no distinction of classes, as such, acknowledged by the common law of England. England has consequently been blessed with all the advantages which the presence of an independent and wealthy nobility confers on a country without being cursed with a classification of its people into *noblesse* and *roturiers*, like most of the countries of Continental Europe. In fact, all free men, except the actual peers, have been equal in the eye of the law, and all have blended in the commonalty of the realm from the earliest times.

The origin of the House of Commons, as before shown, must be referred to the reign of Edward I.; but the manner of proceeding was not at first uniform, either as regarded the places entitled to be summoned to send representatives, the mode of choosing such representatives, or the functions to be exercised by them when returned to Parliament. Two very important rules, however, in our Parliamentary system, appear to have become practically settled, by the time of Edward II.'s accession. The first of these is the election of the knights of the shires, or according to modern phrase, "county members," who were returned by all the freeholders of the respective shires, and not exclusively by those tenants-in-chief, who did not receive

separate writs, as greater barons of the realm. "The language," observes Professor Creasy,* "of the clause in the Great Charter of John, for the summoning of the Great Council of the realm, would seem to have intended that only the King's tenants-in-chief should have the means of making their wishes known in that assembly; and it is further to be observed that there is nothing said in the charter about representation; there is no provision for any minor tenants-in-chief being elected to act for the rest. But we know for certain that the practice of two knights or more being chosen to act in important State matters was early prevalent, and we know, that these elections were made at the county courts, which were attended by all the freeholders of the shire, and not by merely those who held *in capite* of the Sovereign. We can, therefore, readily understand how the principle of acting by representatives was extended to Parliamentary duties, so far as regarded the great mass of the landowners, and how the same men who, at the county courts, elected knights of the shire, for various other public purposes, took part also in the elections, when the object was to send representatives to the General Council of the realm. Leasehold tenure at this time was rare, and copyhold tenure had scarcely begun to emerge out of serfdom. The amount of personal property held by those who were not traders and dwellers in towns was insignificant. It follows, therefore, that nearly all the free rural population, who were not mere labourers, but men of some substance, had a voice in the choice of knights of the shire, and had thereby a share in expressing in Parliament the desires and opinions of the commonalty of the realm. The fact of the knights of the shire being chosen by the general body of freeholders, and not exclusively by the royal tenants-in-chief (who must at one time have been likely to form a numerous aristocracy of birth and position, though not of wealth), greatly facilitated the gradual establishment of the rule, that the knights of the shire sit and act in Parliament, not together with the great barons and prelates, and not in a separate chamber, or as a separate estate of the realm, like the 'noblesse' of France, previous to the Revolution, but in conjunction with the representatives of the cities and towns, so that the country members, conjointly with the elected burgesses, make up the English House of Commons." In the most ancient Parliaments, the number of representatives in the Commons, slightly varied, according to the will of the Sovereign, and the ability of the places summoned, to return representatives, the latter being then recouped part of their expenses by their

* "Hist. Engl.," vol. i., p. 446.

constituencies; but after the union with Scotland, the numbers became fixed, viz.: 513 for England and Wales; 45 for Scotland; and on the union with Ireland, 100 for that country. These numbers were subsequently altered by the Reform Act of 1832, to 500 for England and Wales; 53 for Scotland; and 105 for Ireland; and by the Reform Act of 1867-8, are 493 for England and Wales; 60 for Scotland; and 105 for Ireland. The members so elected, not being peers, clergymen, minors, aliens, convicted persons, or individuals otherwise disqualified, are returned for each Parliament, by the landlords and householders of the counties and principal towns, under authority of the King's writ, according to the provisions of the Reform Acts of 1832 and 1867-8, which have been more fully analysed in the preceding chapters. It is, however, requisite here to observe that all the persons enfranchised by the Reform Act of 1832 still continue to exercise their privilege under the provisions of that Act, which was not abrogated by the subsequent Act of 1867-8, but rather extended and enlarged. The substitution of household suffrage, modified by the payment of rates, for the "hard-and-fast line" of a certain amount of rental, as introduced by the Reform Act of 1832, was certainly a return to the ancient practice of the Constitution, which, as above shown, has grown up out of the free customs of our ancestors, who determined their elections, and regulated their public affairs by the unrestricted voice of all free men, paying "scot and lot," and not being the menial servants of a superior lord, assembled in the county court or shire mote, irrespective of the nature of their habitation, and the value of their holding. In the animated discussions which took place on the subject of the great Reform Measure of 1867-8, it was a point frequently mooted, whether the exercise of the franchise ought to be considered as a right or a privilege; but looking to the constitutional bearing of the question, we have no hesitation in asserting that it can be considered neither as the one nor the other, but rather as a service to be rendered to the Sovereign by his liege. For if we trace back the old system of our representative Governments to the times of the Plantagenets, we shall find that the House of Commons originated in the feudal maxim that the Sovereign had a right to advice and aid from his cities, towns, and shires, and that when the Sovereign appealed to these cities, towns, and shires, the whole body of freemen in the realm elected deputies to represent them, and were themselves considered as actually present in the Great Council, in the person of their deputies and attorneys. These latter, be it observed, attended rather as delegates and ser-

vants, receiving wages for their labour, than as independent advisers of the Crown, and could sue and be sued for breach of contract. Not only was this the old and true theory of our representative system, but in the major part it is the true theory now, although apt to get overlooked. When the Queen issues her writ, she sends it down to the city and the shire. She appeals to Kent and Yorkshire; to Canterbury and to Leeds; not to send up a certain number of private counsellors, but men who will deliver to the Sovereign in Parliament the opinions current in those places. It must not, however, be overlooked that, although the first duty of a representative is undoubtedly to represent faithfully the sentiments and opinions of his constituents, this primary obligation does not preclude him from the exercise of his private judgment in construing these opinions in like manner, as an attorney is invested with authority to act according to his best judgment for the interests of his client. Indeed, in this respect, the commission of a member of Parliament is more open than that of a private attorney, for when once elected to a seat in the House of Commons, though chosen only by a particular district or borough, he serves not only for that place which sent him, but for the whole body of the nation; the imperial good being to be preferred by him to any private or local interest. Hence a member is not bound to consult with or take the advice of his constituents upon any particular point, unless, as Sir William Blackstone rightly observes, he thinks it proper or prudent to do so; and this is the only intelligible view of the duties of a representative, as under any other supposition the House of Commons would cease to be a deliberative assembly. In expounding the practice of the Constitution, we must take into consideration, too, the fact that the functions of members have, to some extent, changed since the Plantagenet days. Time was when the Crown ruled, and Parliament was summoned simply that it might say "Yes" or "No" to the King's request for money. All that time the great quality required in a member of Parliament was, not cleverness or mastery of politics, but independency, incorruptibility and courage to say "No" when "No" ought to be said, and to answer "Yes" only when "Yes" was the right reply. But times are altered. The country is ruled now, not by the Crown, but by a joint committee of both Houses, which is called the Cabinet, and of which the composition is practically indicated by the House of Commons' votes. In most instances the principal administrators of the Government are selected from the House of Commons, and therefore it is essential that some of its members be not merely independent, but remarkably

able and accomplished gentlemen. Further, beyond supplying the State with its chief servants, the House of Commons is itself a great committee for controlling the executive in its minutest details, for watching the progress of foreign events, and for making the new laws demanded during an epoch of enormous alterations.

According to the writ of summons, the primary functions of Parliament are to confer with the King as governor of the kingdom, and to give advice in matters of greatest importance concerning the King and the State, and the defence of the King, the kingdom, and the Church. It is also the high function of Parliament to act as a Supreme Court of Judicature, exercising authority over all other courts, and disposing of men's lives and fortunes ; for, as jurists express it, the law can set no bounds to the authority of Parliament, either over persons or causes, having in itself the inherent right to remodel or alter the Constitution itself, as was done at the Act of Union, or of Parliament, as was done by the Triennial and Septennial Acts. It can alter the established religion of the land, as was frequently done under the Tudors. It can even change the succession of the Crown, as was done in the reigns of Henry VIII. and William III. It can make aliens denizens, and bastards legitimate ; in fact, it can do everything that is not in itself a physical impossibility. The privileges of the Lower House, like those of the Parliament in its aggregate capacity, are intentionally left undefined by the Constitution, lest the efficiency of the legislature should in any way be impaired by the encroachment of the executive ; but they may be considered in a manner limited by the prerogatives of the Crown, the privileges of the House of Peers, and, in certain instances, by special statutes. One privilege, however, that of liberty of speech, was considered of such paramount importance, that its free exercise by every member of the Lower House has been specially secured by the Bill of Rights, and is demanded by the Speaker from his chair as a right at the opening of each session of Parliament.

The difficulty of securing freedom of election for a long time baffled all the attempts of Parliament, but at length it became an established point, that the King could neither interfere directly nor indirectly in the choice of representatives ; and at the Revolution it was further provided that all soldiers, quartered in a place where an election was to take place, must move from it at least one day before the election, to the distance of two miles or more, and return not till one day after the election is finished, so that all possibility of intimidation might be removed. Lastly, it was provided that no Lord of Parliament, or Lord-

Lieutenant of a county, had any right to interfere in the election of members. As a further safeguard against the employment of bribery and intimidation at elections, and as a means for reducing election expenses, the Vote by Ballot Bill was passed in 1872, which followed as a natural sequel to the Reform Act of 1868. Such are some of the stringent laws with which the Commons found it requisite to defend this important privilege; and the laws affecting individuals on the same subject, are, if possible, still more severe. If a candidate gives or offers refreshments to an elector he is disqualified from sitting in that Parliament; and if he gives bribes or promises to the electors in order to procure his return, he, as well as the voters concerned, are liable to a fine of £500, and are for ever disqualified to vote or to hold any office in a corporation, unless, by the discovery of some other offender of this same kind, they procure indemnity for their own offence. But owing to the expense and delay of trying election petitions before the House, the law was in too many instances violated with impunity until recently, when a decisive step has been taken, by the passing of the Bribery Act, 1868, deputing the authority of the House in these cases to the three senior judges, who are entrusted with the determining of all disputed election returns.

Over the Parliament thus composed the King has a controlling power. He can at any moment dissolve it, provided the Mutiny Bill is passed and the necessary supplies are granted; and thus, by appealing to the nation at large, he can defeat any factious cabal which an oligarchy not faithfully representing the body of the people might contrive for enslaving the prince. There is even some risk of this power being abused, by the royal influence being first employed to excite a popular clamour against particular men, or particular measures, and then advantage being taken of such delusions in an immediate general election.* The shortening of the duration of Parliaments affords the best security against this hazard; because, if the Parliament has only been assembled during a short period of time, the Sovereign is less likely to encounter another general election. A further advantage of the frequency of elections is the purity and independence of members it secures; and thus obviates those dangers which might arise from the hereditary constitution of the other branches of the legislature. Each of the Houses of Parliament has a negative on any proposition made by the other, and the King has a negative on both, so that there is little danger of their encroaching on each other's rights.

* Brougham, "British Const.," chap. viii., p. 114.

With the exception of two solitary points—"supplies," and "internal organization"—either House is competent to take into consideration any question it may judge conducive to the public good. Such are, for instance, new limitations or extensions to the authority of the executive; the establishing of new laws, or making changes in those already in being. Lastly, all questions regarding public affairs, the various abuses of administration, and their remedies, which become in every session the objects of the attention of Parliament. When it is proposed to legislate on any matter affecting the public generally, the Bill is called a public one, and is introduced either by the Government or by an independent member upon motion being made for permission to do so; but if it affect only individual or local interests, it is then called a private Bill, and cannot be introduced till after permission given in answer to a petition; but in the Upper House any peer has the power to present such Bill, and lay it on the table. When permission is obtained to bring in a Bill, it is printed and read a first time by implication, copies being handed to each of the members, with an analysis of the various clauses. If the Bill pass the second reading, which is the critical test, its principle is either admitted or rejected by the House; it is then committed, that is, referred to a committee. In these committees the Bill is debated clause by clause, amendments introduced, and sometimes the Bill entirely remodelled. When a Bill has passed in either House, it is transmitted for the consideration of the other, when, if rejected, the measure is at an end; if passed, nothing else is required but the royal assent. If that is refused the Bill remains without force or effect; if granted, it is an established law, which cannot be repealed but by the united will of all the three constituent parts of Parliament. The reason ordinarily given for the exclusive right claimed by the Commons to originate Money Bills is that, the taxes being paid by the bulk of the people, it is fair that they should have the sole disposal of them; but this argument could only hold good on the supposition that the Commons taxed none but themselves. The more satisfactory explanation is that given by Sir W. Blackstone,* who says that the Lords, being a permanent body, are more liable to be influenced by the Crown, and when once influenced, to continue so. It would therefore be extremely hazardous to entrust the power of imposing taxes to such a body; it is sufficient that they should have the power of rejecting the Bill, if they should think the Commons too lavish or improvident in their grants. Lord Brougham, however, is of a different opinion: "This exclusive right of the Commons,"

* "Commentaries," book i. chap. ii.

says he,* “is grounded on mere violent and factious excitement; on mere romantic and poetical declamation; and frequently takes up the time of the House which might better be employed on some more important subject. It must be remarked, too, that the Commons, after treating this exclusive privilege as of paramount importance, as the safeguard of all its other privileges, have suffered it to be broken in upon once and again, as when it withdrew from the absurd pretence that a prohibition being enforced by a pecuniary penalty, could not be touched by the Lords, because it was a money clause.”

The judicial power of the Lords, which is frequently cited as a parallel to the exclusive right enjoyed by the Commons of granting supplies, is of an entirely different nature, and originates in the fundamental principle of feudalism; for the barons in ancient times were the hereditary councillors of the King, and as such formed a Supreme Court of Judicature in all matters of law, whether civil or criminal; a privilege which their descendants have ever since retained, and which, in practice, being left in the hands of some five or six of their number, professional lawyers, who have filled, or continue to fill, the highest judicial offices in the State, has never been considered inconsistent with the liberties of the people. But the power of visiting with summary punishment, contempts or breaches of privilege, claimed both by the Lords and Commons, seems somewhat inconsistent with the liberty of the subject, and is, as Lord Brougham observes,† a great violation of all the ordinary rules which ought to regulate the administration of criminal justice. For, in the first place, the party wronged, or complaining of injury, not only institutes the trial without the intervention of a grand jury, but assumes to be the sole judge of the charge, to find the guilt, and to mete out the punishment; secondly, the proceeding is of the kind most abhorrent to our laws, for the party is called upon to confess or deny the charge, and if he refuse to criminate himself, he is treated as guilty; but, thirdly, and chiefly, he is tried, not by a general law, previously promulgated, and therefore well known to him whose duty it is to obey, but by an *ex post facto* law, a resolution passed by his accuser, declaring the criminality of the act after it has been done. This appears to be quite intolerable. Any law, anyhow made, provided it be made calmly, and before the event occurs which it embraces, is far preferable to a law contrived and promulgated for the first time on the spur of the occasion, when the passions are heated by the offence done or alleged. In accordance with this view, the Lords, in their famous decision

* “British Const.,” chap. viii. p. 115.

† Ibid., p. 108.

on the Aylesbury case in 1701, expressed it as their decided opinion that neither House of Parliament had, or ought to have, any power of creating to themselves new privileges not warranted by the known laws and customs of Parliament, and that by so doing the Commons had, as far as in them lay, subjected the rights of Englishmen, and the freedom of their persons, to the arbitrary votes of the House of Commons.

One of the main securities of the people's liberties, and that which secures the regular assembling of Parliament, is the annual vote of supplies; for since the assumption of the Crown revenues by the Parliament, the charges for the royal household and the expenses of Government have been kept distinct; the former being provided for by a fixed sum settled on the Sovereign for life, while the latter are annually voted by the Parliament. So that the power of the sword is really only given for a year to the Sovereign; the only means which he possesses of keeping the army and the navy together, and enforcing the strict discipline required, flow from an Act passed yearly, and for a year each time. There are many branches of the revenue which, in like manner, are only granted for a year—in fact, all, save that portion which is mortgaged to the public creditor. If, then, a King were to retain the troops on foot without a Mutiny Bill, and to levy the revenue not voted by Parliament, not only would the soldiery be released from obedience to their commanders, not only would the people be released from their allegiance, and justified in resisting the Crown, but the courts of law would refuse to aid the ministers by either suffering soldiers to be tried by courts-martial or requiring the subjects to pay their taxes. No soldier needs fear punishment for his disobedience—no person needs pay any of the taxes beyond those mortgaged to pay the interest of the national debt. Thus, it becomes absolutely impossible for the Crown to govern without assembling a Parliament, or to govern without a general good understanding with the Parliament so assembled. Besides, whoever should remain in any office of trust under the Crown while illegal attempts were being made—much more, whoever should aid in making them—would, as soon as Parliament met, be impeached by one House and tried by the other; and although the Crown might pardon him, it could not prevent his trial and conviction.

The Sovereign, therefore, although possessed of great and mighty prerogatives, can neither materially interfere with the administration of justice nor the foreign relations of the State, without a positive certainty that the Parliament will approve of his measures, and support them with the necessary powers; and

thus, the principal effect of the prerogative in modern times is to give due vigour and authority to the action of the Government in its intercourse with foreign powers, and in the administration of internal affairs. The royal prerogative, however, although fenced in by so many and powerful restrictions, has nevertheless a real and substantive existence. The King, by his political position, is invested with the whole executive power, and is both the source of justice and the fountain of honour: as chief magistrate, he is head of all the courts of law and judicature; he has the right of pardoning or remitting the execution of all sentences; as the fountain of honour, he is the distributor of titles and dignities, as well as the disposer of the offices of State; as the superintendent of commerce, he has the right of concluding commercial treaties with foreign states, and of fixing the standard of weights and measures; as head of the Church, he has the appointment of bishops, and the supervision of all acts or canons, besides the power of convoking and dissolving convocation; as generalissimo, he is commander-in-chief of all the sea and land forces, and can alone levy troops, equip fleets, build fortresses, and fill all the posts in them; as representative of the nation with foreign states, he sends and receives ambassadors, contracts alliances, and has the prerogative of declaring war or making peace, on whatever conditions he may think proper; finally, he is not responsible to any judicature for his conduct in the administration of Government, it being a fundamental maxim of the Constitution, that *the King can do no wrong*: by which is meant not, as the cavaliers in former times maintained, that the King's will was absolute, but only that he is above the reach of all courts of law whatever, and that his person is sacred and inviolable. In addition to these powers, the influence of the King is further augmented, in modern times, by the large permanent establishments, which give to the executive an amount of patronage more than sufficient to counterbalance any loss of influence occasioned by the surrender of the Crown lands: the weight, too, which the large body of public creditors is always ready to throw into the conservative scale tends to the same end. The individual authority of the Sovereign is, therefore, a real and substantive power, capable of exerting a sensible influence upon the conduct of public affairs; and when strongly entertained, like those of George III. on the American war and Catholic question, the opinions of the Sovereign have been found capable of overcoming the resistance both of the people and the peers.

Indeed, to provide against the too great supremacy of the royal power, it has been found necessary to define exactly under

what conditions each of the Sovereign's prerogatives may be exercised. Thus, though the King is supreme magistrate, he cannot interfere with the courts of judicature in the administration of justice ;* and though crimes are prosecuted in the King's name, he cannot refuse to lend it to any persons who have complaints to prefer : though head of the Church, he cannot alter the established religion, nor call individuals to account for their religious opinions ; he cannot even choose his own religion, for the law has declared that no Papist can inherit, possess, or enjoy the Crown of these kingdoms : though Commander-in-chief, he cannot raise forces without the consent of Parliament ;† and although the practice of continental nations in maintaining large armies has rendered it indispensable for England also to maintain a regular force for the defence of the realm, the Parliament retains the power of granting or withholding the Mutiny Bill. With regard to the sea forces, there is not the same restriction, for the navy has this great advantage, that it cannot be turned against the liberty of the nation, at the same time that it is the surest bulwark of the island ; the King, therefore, has only to obtain the necessary supplies, and the disposal of this force is left entirely at his discretion.

But these laws which limit the King's authority would not, of themselves, have been sufficient ; as they are, after all, only intellectual barriers, which the King might not at all times be disposed to respect ; the only material guarantee, the right of the Commons to refuse supplies, being so desperate an alternative, affecting the interests of the whole community, that it could not be applied, except in extreme cases ; and even this check was liable in some degree to be eluded, either by the King breaking the promises which had procured the subsidies, or by applying them to uses different from those for which they had been granted ; the Constitution has, therefore, supplied the Commons with the means of immediate opposition to the misconduct of Government, by giving them a right to impeach the ministers. This expedient, while it secures an immediate remedy for the evils of the State, takes away the scandal of guilt and authority united ; it also solves the inexplicable problem, How the King can be above the law, and yet amenable to it ; for if there were any judges who could pass sentence upon him, it

* James I., assisting at the trial of a cause, was reminded by the judge that he could deliver no opinion.

† The guards of Charles II. were declared anti-constitutional, and James's army was one of the causes of his being dethroned. It has also been expressly prohibited by the sixth clause of the Bill of Rights, which declares " a standing army, without consent of Parliament, illegal."

would be they, and not he, who would finally possess the executive power; whereas, by instituting an impeachment against his ministers, the King is sufficiently punished, without any violent breach of the Constitution. All power of pardon is necessarily taken away from the Sovereign in this particular instance, for it is the administration itself that is impeached, of which he is the head. When, therefore, a minister appears at the bar of the Upper House, it is on his own integrity that he must rely—it will avail him nothing to plead the King's pardon, or to exhibit his Majesty's written commands in extenuation of his conduct; the law in this respect is most exacting. Not only is a minister answerable for his own conduct, but for the actions of his colleagues; and so long as he remains in office, he is supposed to give his aid and consent to every act of Government. In former times, it was thought sufficient that each minister should be responsible only for his own department; but modern experience has shown the wisdom of uniting the whole, as it were, under one head; for a uniformity of action is thereby obtained, and it is rendered impossible for an administration to remain in power without the sanction of a majority of the Commons.

Next only in importance to the political organization of the Government, is the judicial system, which in England is characterised by four great features—the substitution of the common law for the civil law, acknowledged in most other European countries; the security against illegal imprisonment, guaranteed by the writ of Habeas Corpus; trial by jury; and the independence of the judges. In a free Constitution, more especially, the independence of the bench is, if possible, of still more importance to the happiness of the people than under any other form of Government; for a greater power is left in the irresponsible hands of the people, and the dispensation of justice is consequently more likely to be perverted by the uproar of contending factions and the fury of popular delusions. It is equally essential, therefore, that the judges should be alike independent of the Crown, the Parliament, and the multitude. It has therefore been determined that, when once appointed by the Sovereign, all the judges, with the exception of the Lord Chancellor, whose jurisdiction is rather political than judicial, should hold their offices for life, being only removable by the Sovereign upon petition of the two Houses. The purity of the bench is further guarded by the statutory provisions disabling the judges from sitting in the House of Commons, which has, within the last few years, been extended even to the Master of the Rolls, the Masters in Chancery, the Vice-Chancellors, and the Judges of

the Courts of Admiralty and Bankruptcy. A few of the chief legal functionaries, indeed, are members of the House of Lords, and their presence is almost indispensable there, to enable that body efficiently to discharge its judicial functions; but the same dangers are not to be apprehended from their being members of the Upper as of the Lower House: besides, too, the feeling is so strong and so general against the judges mingling in the strife of political party, that we rarely have any example of these great legal dignitaries taking part in the struggles of faction. The three superior courts are the King's Bench, so called from the Sovereign, in early times, having presided occasionally in it, to hear the trials in person. It is the supreme criminal court of the land, and to it still belongs a transcendent authority over all inferior jurisdictions. The Court of Common Pleas, which in ancient times claimed exclusive jurisdiction over all private suits relating to real property, but its functions are now much curtailed. The Court of Exchequer, which originally was intended to guard the revenues of the Sovereign, and determine all suits between the subjects and the Crown; but its jurisdiction subsequently became extended to all questions of common law, and even to equity causes until 1841, when the latter were transferred to the Chancery. The Chancery, which comprises the six courts presided over by the Lord Chancellor, the Master of the Rolls, the two Lords of Appeal, and the three Vice-Chancellors. In these Chancery or Equity Courts, as they are sometimes styled, all civil actions relating to both real and personal property are tried in accordance with the rules of Equity and the Statute Law, or "*lex scripta*" of legal writers, so named in contradistinction to the "*lex non scripta*" or Common Law; consisting of the immemorial customs or precedents of the courts, modified only by the express provisions of the statutes. Over the courts of King's Bench, Common Pleas, and Exchequer, thus constituted, preside respectively six judges, who also go on circuits twice, and sometimes thrice, a year throughout England and Wales, in order to hold assizes in the principal towns for the hearing and determining of all criminal and civil causes which may be brought before them, without the inconvenience of removal of such causes to the metropolis. Secondary to the assizes, which are presided over by the judges, and at which the weightier causes are heard, there are quarter sessions, presided over by justices of peace, appointed by commission, with authority to inquire into felonies, and determine inferior causes; likewise borough sessions, presided over by a recorder. In all of these courts, bills of indictment are first submitted to the grand jury, composed of selected gentlemen of

the county, who investigate the case, and if they consider insufficient evidence is adduced, they dismiss the charge as "no bill;" but if deemed satisfactory, they find a "true bill," when the accused is remanded to take his trial in open court. It then remains for the petty jury, composed of twelve citizens, residents of the county or place where the offence was committed, to determine the facts, and the court awards the sentence in accordance with the law. It is, however, only in causes of a grave nature that the facts are reserved to be tried before a jury; in the majority of minor cases sentence is passed summarily by the stipendiary magistrate or the local justice of the peace, who sits weekly, and sometimes daily, for the hearing of causes.

Such are the leading characteristics of the British Constitution—a system unique in itself, and well worthy of our study, combining the advantages of each of the three forms of pure government, monarchy, aristocracy, and democracy, and partaking of but few of their faults. Such a system was, indeed, contemplated by the profoundest writer of antiquity,* but he pronounced it too perfect to be reduced to practice. In modern times, it has, however, actually arisen, not copied from the speculations of philosophers, but insensibly developed from the concurrence of favouring circumstances, and we are now enabled to see by experiment how far his anticipations are realised. It is one of its most admirable characteristics, that it is capable of almost infinite modification, to suit the circumstances and requirements of the people, as the progress of civilisation advances, without materially disturbing its equilibrium. Montesquieu declared it "immortal, so long as the legislature should continue less corrupt than the constituents;" and as it contains the elements of renovation in its own composition, we may fairly hope that his prophecy may prove true.

* Tacitus "Annals," lib. iv.

HISTORICAL QUESTIONS,

CHIEFLY SELECTED FROM THE EXAMINATIONS OF THE UNIVERSITIES
OF CAMBRIDGE AND LONDON.

THESE Questions are selected not only to illustrate the present work, but to enable the student to judge of the nature and extent of the historical knowledge requisite for passing a successful examination, and will be found invaluable as an exercise.

BRITISH AND ROMAN PERIODS.

Mention the several populations out of which the English nation has been formed.

Give some account of Julius Cæsar's invasion of Britain.

What do we learn of the condition of the Britons at the time of Cæsar's first landing?

What are the sources and what is the extent of the information we possess respecting the sacrifices, usages, and doctrines of the Druids, and the effect of the religion taught by them?

Under what Emperor, and by what General, was the subjugation of Britain finally effected?

Mention the most important events which occurred in Britain under the government of Agricola, and point out the political and social effects of his administration.

Trace the history of Britain during the period that it was occupied by the Roman legions.

Give the dates of the most important epochs in the Roman occupation.

How was Britain divided by the Romans?

State the limits of Roman Britain; in the reigns of Nero and Septimus Severus respectively.

When and why did the Romans withdraw from Britain?

What was the effect of the Roman civilisation in modifying the character, habits, and condition of the native Britons?

What traces of the Roman occupation of Britain are still remaining?

Draw a map of Roman Britain, giving the ancient and modern names of such places as have been identified as Roman stations or towns.

Give some particulars relative to the introduction of Christianity into Britain, and its persecution by the Romans.

SAXON AND DANISH PERIODS.

From what period may the history of England be said actually to commence?

State what is known of the successive invasions of England by races of Teutonic origin.

From what parts of Germany did the Saxons migrate, and in what districts of England did they establish their successive settlements?

What elements of civil and political organization did the Saxon invaders of England find and amalgamate?

Describe the nature and character of the Saxon conquest.

What is meant by the Saxon Heptarchy? To what extent and on what grounds is the appellation correct?

When and by whom was Christianity introduced amongst the Saxons?

By which of the Anglo-Saxon Kings was the reduction of England under a single sovereign accomplished?

What traces have we, in the names of places, of Danish settlements having been made here?

Give some account of the Danish incursions into this country; and show how far those incursions influenced the government, language, and manners of the Saxon people.

Give the current traditions as to the life and exploits of King Alfred.

How was the hereditary succession of the Crown restricted by the Saxon constitution?

Mention the classes and their subdivisions of Anglo-Saxon England.

Specify the different modes of tenure of land in the Anglo-Saxon times, the names by which they were distinguished, and the payments and burdens to which they were liable.

Explain the meaning of the terms Bocland, Soccage, Riding, and Hustings.

What is meant by Danelagh, Frank-pledge, Compurgation, and Wer-geld?

At what period did the Saxon power begin to decline?

Give an account of the reigns of the Danish Kings.

Give some account of the Saxon laws and constitution.

What is the collection known as the Laws of Edward the Confessor?

Explain the constitution of the Wittenagemot and its powers; in what did it resemble the Great Council of the Norman Kings?

What were the leading features of the Saxon judicial system?

How far may it be considered to contain the germs of our present system?

From what original sources do we derive our acquaintance with the state of England during the Anglo-Saxon period?

Mention the general character of each of the works to which you refer, the age in which it was written, and the portion of time which it embraces.

Give the names and positions of the English towns which had acquired importance previously to the Norman Conquest and which continue to the present day.

Give a short account of the literary labours of Beda, Alcuin, and John surnamed Erigena.

Mention some of the causes which conduced to the Norman Conquest.

Under which of the Saxon kings may national industry be said to have flourished ?

ANGLO-NORMAN PERIOD.

Give an account of the Norman Conquest and its immediate consequences.

What was the nature of the claims of William I. to the crown of England ?

How many and which of William I.'s sons succeeded him on the throne ?

By what acts was the Conquest finally consummated ?

Describe the effects of the Norman Conquest upon the Constitution of England and upon the condition of the people.

When did the conversion of allodial into feudal tenures take place ?

What do you understand by the feudal system ?

Give some account of the object and operation of the "Presentment of Englishry."

When and for what purpose was Domesday Book compiled ?

What information do we derive from it ?

What were the advantages derived by England from the Conquest ?

To what era should we look for the real foundation of the English Constitution ?

Make a comparison between the Saxon and Norman Conquests, and point out in what respects they differed.

In what year did William I. die, and where was he buried ?

Under what circumstances did William II. ascend the throne ?

Give a short biographical sketch of Archbishop Lanfranc.

What changes took place in the physical aspect of the country about this time ?

What were the causes and results of the Crusades ?

Give the dates of the first and last Crusade ?

How did the uncertainty of the royal succession in the early Norman times influence the Constitution ?

Give some account of the Charter of Henry I.

What led Henry I. to nominate his daughter Matilda as his successor ?

Explain fully how the succession to the Crown was ordinarily determined in England ; mention notable exceptions.

What can be alleged in favour of Stephen's claim to the throne ?

How was the claim of one of our English sovereigns affected by the Salic law ?

Give a brief sketch of the civil war between Stephen and the Empress Matilda.

State the particulars connected with the Battle of the Standard.

What evidence is adduced in support of the elective character of the English monarchy, and when may it be considered to have become hereditary ?

What induced Stephen to accept Prince Henry as his successor ?

Give a short account of the condition of the English nation during the Anglo-Norman period.

State when and how the Saxon and Norman lines merged in one sovereign.

PLANTAGENET PERIOD.

Mention the most important changes in the law of England introduced during the reign of Henry II.

What was the ecclesiastical policy of Henry II. ?

Narrate the circumstances which led to the enacting of the Constitutions of Clarendon, and state their chief provisions.

What were the causes which facilitated the disappearance of the distinction of race in England ?

Give a brief sketch of the conquest of Ireland.

Under what circumstances was the Irish Church brought under subjection to the See of Rome ?

What was the extent of Henry II.'s dominions ?

What were the immediate consequences of Henry II.'s division of his dominions amongst his children ?

State the origin of the claims of the English sovereigns on Scotland.

Mention some of the improvements of Henry II.'s reign.

How many sons had Henry II., and what became of them ?

To what extent did the Crusades influence English history, socially and commercially ?

Narrate the part taken by Richard I. in the Third Crusade.

Give some account of the rise of chivalry and romance.

What was the state of the Constitution at the accession of John ?

Under what circumstances did he usurp the throne ?

How came Normandy to be lost to the English Crown ?

Relate the circumstances under which England became a fief of the Holy See.

What class of persons were the barons who opposed the arbitrary pretensions of John and Henry III. ?

What places are associated in English history with the part thus acted ?

What do you consider the most important event in English history ?

Under what circumstances was the Magna Charta obtained ?

State the principal provisions of Magna Charta ; what was the object of the Charter of the Forests, and how did it operate ?

On what grounds has Magna Charta been sometimes depreciated ?

To what causes are we to refer the rise of municipal government ?

What have you to observe concerning the Writ of Habeas Corpus ?

Under what circumstances did the barons apply for the intervention of France ?

Give a brief sketch of the struggle between John and the barons.

What is meant by Escuage, Escheats, Guilds, Baronies by Tenure and by Summons ?

How did the Plantagenet wars in France affect the growth of the English Constitution ?

Give a brief sketch of the political events in England during the minority of Henry III.

Write brief biographical sketches of Hubert de Burgh and Simon de Montfort.

What do we owe to Simon de Montfort ?

What alterations were made in the Great Charter as confirmed by Henry III. ?

What instances have we in this reign of the control exercised by Parliament over expenditure ?

What were the causes of the unpopularity of Henry III.'s government ?

Give some account of the measures of the Mad Parliament.

Who were the Committee of Ordainers, and for what purpose were they appointed?

What events immediately led to the commencement of the civil war?

Give full particulars of the circumstances attending the summoning of the first House of Commons.

In whose reign, on what occasion, and with what results were representatives for counties and towns first summoned to Parliament?

Give the date, and the precise tenor of the most ancient writ summoning the representatives of the counties to Parliament.

Answer the like question with regard to cities and boroughs.

What were the Statutes of Malbridge, and when were they enacted?

Account for the reaction in favour of Henry III.

What do you understand by the "Dictum de Kenilworth?"

What great alteration took place in the mode of legal proceeding under Henry III.?

Give some account of the life and writings of Roger Bacon.

What great scientific discovery was introduced into Europe in the thirteenth century?

What was the general character of Edward I.'s administration?

Show in what way the wars of Edward I. proved of advantage to the cause of liberty.

Give a brief account of the war with Scotland in the reign of Edward I.

How was the subjugation of Wales effected?

What evidence have we of the supposed massacre of the bards by Edward I.?

Sketch briefly the Scottish War of Independence.

Why was Baliol dethroned?

Give biographical sketches of Robert Bruce and Sir William Wallace.

In how far may the legislative improvements of Edward I.'s reign be attributed to the direct action of Parliament?

What were the two great constitutional principles established in this reign?

Explain what is meant by the Statutes of Mortmain, De tallagio non concedendo, and De donis.

What were the causes of the unpopularity of Edward II.?

Write a biographical sketch of Gaveston.

How were the King's encroachments on the popular liberties resisted by the Commons?

Under what circumstances was the right of petitioning the Crown established?

Of what grievances did the Commons complain?

Mention the first instance on record of petitions being attached by the Commons to their Money Bills.

Give particulars respecting the battle of Bannockburn, and point out its immediate results.

What were the circumstances attending the deposition of Edward II.?

Define the privileges acquired by Parliament during this reign.

Give a brief sketch of events during the minority of Edward III.

Under what circumstances was the war with Scotland resumed?

Give some particulars of the battle of Halidown Hill.

On what grounds did Edward III. prefer a claim to the throne of France?

What great advantage did the English Parliament (as distinguished from similar bodies on the Continent) possess in their long-protracted contest with the Crown?

What were the reasons which induced Edward III. to favour the progress of constitutional liberty?

What great parliamentary privilege was established during this reign?
 What great naval victory was won in 1340?
 Give particulars respecting the fight of Orleans, the battles of Crecy and Poitiers, and show their causes and results.
 On what occasion are cannon supposed to have been first employed in battle?

What attempts were made by Edward III. to regulate wages?
 State any facts from which you can draw conclusions respecting the state of the labouring classes in the fourteenth century.
 What is supposed to have been the population of England in the reign of Edward III.?

When did England become possessed of Calais?
 State the circumstances which led to the loss of the English possessions in France.

How were the relations between the English Crown and Parliament affected by the French wars?

Explain the causes of the increased power of the Commons in the reign of Edward III.

What were the objects attained by the statutes of Provisors and Treasons respectively?

Give a biographical sketch of Edward the Black Prince. In what battles did he distinguish himself? and in what part of Europe did they take place?

Explain what changes were taking place in society about the accession of Richard II.

In whose reign did Wickliffe attempt to effect a reformation of the Church in this country? and when did that reformation take place?

Quote any facts from which the condition of the labouring classes in the reign of Richard II. can be inferred.

What were the circumstances attending Wat Tyler's insurrection?

Sketch the character of Richard II.

What were the causes of the King's unpopularity?

What do you understand by the Commission of Reform, on what grounds has it been defended, and what was the opinion of the judges?

Who were the Lord's-Appellant, and how were they dealt with by Parliament?

Define and explain the Statute of Præmunire.

Name the ministers who were impeached during the reign of Richard II.

To what period may the first introduction of a standing army be referred?

State the circumstances attending the abdication of Richard II.

Write biographical sketches of Wickliffe, of Michael de la Pole, and De Vere, Marquis of Dublin.

YORK AND LANCASTER.

What was the origin of the Wars of the Roses? what their influence on the state of the English nation? and how did they end?

Name in chronological order the battles of those wars, and state in what counties they took place.

Give some account of the battles of Shrewsbury, Barnet, and Bosworth, arranged in chronological order.

What title had Henry IV. to the English throne, and on what grounds may it be defended?

Who was the nearest heir in the direct line?

“Nine of our Sovereigns before the accession of the Stuarts,” says Macaulay, “had reigned in defiance of the strict laws of hereditary descent.” Explain this statement in detail.

What were the chief points contended for by the Commons during this reign?

What important rights did our Parliaments acquire under the house of Lancaster?

Give some particulars of the religious persecutions during the reigns of Henry IV. and V.

Specify the first actual law made in England against heresy?

Who were the Lollards?

What were the causes which in England immediately brought on the Reformation?

By whom and under what circumstances was the claim of the English Kings to the throne of France revived?

Give some particulars of the battle of Agincourt, and what were its immediate effects on France?

What were the chief provisions of the Treaty of Troyes, and how would they have affected England had they been carried out?

What were the precautions taken by the Commons to secure the national existence as against France?

Under what circumstances were the English conquests in France finally lost?

What were the circumstances attending the rebellion under Jack Cade?

Explain the origin of the Wars of the Roses, and by what causes the civil war was embittered.

Into what factions was the country divided, and by what classes were these factions respectively supported?

State what you know of the battles of Wakefield, St. Alban's, and Towton Heath?

Write a biographical sketch of Joan of Arc.

What was the title advanced by Edward IV. to the English Crown?

On what grounds have the rights of the house of Lancaster been defended?

Give particulars of the first introduction of loans and benevolences.

When was the art of printing introduced into England?

What was the effect of Edward IV.'s policy with regard to Scotland and France?

Narrate the circumstances attending the deposition of Edward IV.

What great change took place in the procedure of Parliament during this reign?

From what period may we date the triple division of the legislature?

Under what circumstances did Richard III. ascend the English throne?

Narrate the principal events of his reign.

By what event was the civil wars of the Roses terminated?

What circumstance is supposed to have decided the battle of Bosworth?

TUDOR PERIOD.

State when and how the lines of York and Lancaster merged under one Sovereign?

Enumerate the Sovereigns of the house of Tudor, and briefly characterize each.

What was Henry VII.'s title to the throne? and how were its defects remedied?

Describe the nature of the advantages enjoyed by Henry VII. on his accession.

Account for the increase of the kingly power from the commencement of the Tudor dynasty.

How did Henry VII.'s domestic policy affect the power of the nobility?

What great changes took place in the condition of society during the reigns of Henry VII. and VIII.?

How do you account for the conversion of villanage into free tenantry, and when did this change take place?

Explain the circumstances attending Simnel's insurrection.

What doubts have been raised as to Warbeck's true character?

Give the date of the origin of the Star Chamber, and the nature of its jurisdiction.

Explain the uses and abuses of the Star Chamber, and its operation in breaking the power of the nobles.

What dangers threatened the Constitution under the Tudors?

What maritime discoveries were made during the reign of Henry VII.?

When were the Navigation Laws first enacted?

Explain the circumstances which hastened the Reformation in England.

To what period do you refer the revival of literature?

How did the introduction of the art of printing affect the English language?

Account for the popularity of Henry VIII. on his accession.

Give some particulars of the battle of Flodden, and its effect on Scotland?

Name in order the wives of Henry VIII. What became of them? What children had he by them? What was the Statute of Six Articles?

What was the immediate cause of the dispute between Henry VIII. and the Pope?

Give particulars of the power and fall of Wolsey.

What were the grounds on which Queen Catherine was divorced, and by what authority?

What part did Cranmer take in the dispute between Henry VIII. and the Pope?

What causes prepared the way for the Reformation in England?

How did the dissolution of the monasteries affect society in England?

Give some account of the religious persecutions under Henry VIII.

Enumerate briefly the tyrannical Acts of Henry VIII.'s Parliaments

On what principle were the monastic lands distributed?

What steps were taken by the Government to promote the circulation of the Scriptures?

Mr. Froude says of the commercial legislation of Henry VIII.'s reign, "It attempted to portion out the rights of the various classes of society by the rule, not of economy, but of equity." Illustrate this statement in detail.

Give the date and manner of the incorporation of Wales with England.

Account for the increased influence exercised by England in Continental affairs.

Explain the foreign policy of Henry VIII.

What was the Pilgrimage of Grace?

Estimate carefully the characters of Thomas Cromwell and Cardinal Pole.

Give an account of any legislation on religious or ecclesiastical matters during the reigns of Edward III., Henry IV., and Henry VIII.

Compare the opinions expressed by Hume on the origin of the Reformation, and on the spirit in which it was carried out, with those of Mr. Froude on the same subject.

In what reigns did the Protector Somerset, Hampden, and Burleigh live respectively? Write a short sketch of the life and character of one of them.

Give a brief sketch of the progress of the Reformation during the reign of Edward VI.

When and by whom was the form of the English Liturgy prepared?

What alterations were made in the treason laws under Edward VI.?

For what objects was the war with Scotland inaugurated, and how did it terminate?

Give some particulars of the battle of Pinkie.

Account for the insurrection of the peasantry in 1549, and what were the objects and principal provisions of the Statute of Mendicity?

Give a short biographical sketch of the Protector Somerset, and state the grounds of his policy.

Relate the history of Lady Jane Grey, and the circumstances under which Edward VI. demised the Crown in her favour.

Explain the circumstances which gave Mary's succession to the English Crown an European interest.

Under what circumstances was the Roman Catholic religion restored in England?

What alterations were made in the laws relating to treasons and felonies in the reign of Mary?

Give the date and narrate the particulars of Sir Thomas Wyatt's rebellion.

Write biographical sketches of Cranmer, Lady Jane Grey, and Sir Nicholas Throgmorton.

Recount the chief incidents connected with the enactment and with the repeal of the Six Articles.

What precautions were taken by Parliament to secure the English nationality upon Queen Mary's marriage with Philip of Spain?

Give particulars of the Marian persecution, and account for the little opposition offered by the English to the change of the national faith.

Explain the real character of religious toleration in the sixteenth century, as understood in England and on the Continent respectively.

When and under what circumstances was Calais lost to the English Crown?

What circumstance in Mary's reign caused the English people to determine that no Catholic prince should again possess the throne?

Describe briefly the state of parties on the accession of Elizabeth.

Compare the respective claims of Elizabeth and Mary Queen of Scots to the English throne.

When was Protestantism definitively established in England?

When and under what circumstances was the Act of Uniformity first passed?

What was the immediate cause of the execution of Mary Queen of Scots, and what may be urged in justification of this measure?

Narrate the circumstances attending the massacre of St. Bartholomew, and the impression it produced on the policy of England.

Give some account of the persecution of the Puritans, and of their religious tenets.

Narrate briefly the history of the Spanish Armada, and the nature of the resistance offered by England.

What were the principal maritime discoveries in the reign of Elizabeth, and by whom were they made?

Mention the names of the most illustrious of the English naval captains in the reign of Elizabeth.

Characterize the foreign policy of Elizabeth.

Sketch briefly the history of the Irish rebellion in the reign of Elizabeth.

Relate the causes of the downfall of Essex.

Give instances of the interference of the Government under Mary and Elizabeth, with Parliaments and juries.

Explain the origin and purposes of the Star Chamber and of the High Commission Court, with dates.

What was the character of the first general Poor-law, and when was it enacted?

Give particulars of the constitutional opposition to the monopoly system.

What evidence have we of the revival of parliamentary influence before Elizabeth's death?

Give particulars in proof of the advancement of commerce and refinement in the reign of Elizabeth.

Mention some of the works which enriched English literature at this time.

Write biographical sketches of Elizabeth, Mary Queen of Scots, Essex, Burleigh, Leicester, and Cecil.

Quote any facts from which the condition of the labouring classes during the Tudor period can be inferred.

Point out and account for the difference between the Tudor Government and that of the Plantagenets.

"Under the Plantagenets, Parliament had been an instrument of resistance, the guardian of private rights; under the Tudors it became an instrument of Government and general policy." State those historical facts which appear to you most strikingly to illustrate these statements.

STUART PERIOD—JAMES I.

By what right did James I. reign in England? Could any objection have been urged to his title?

Under what circumstances and with what results was the union of the Crowns of England and Scotland effected?

What difference would you notice in the power of the Crown under Queen Elizabeth and under James I., and what reason could you assign for such difference?

What proofs are there of the growing power of the Commons in the reigns of Elizabeth and James I.? How do you account for this growth?

What were the principal charges made against Bacon, and how far were they substantiated?

Give some account of the Main and Bye plots.

Narrate the circumstances connected with the trial and execution of Sir Walter Raleigh.

Give reasons why the importance of England ought to have increased after the accession of James I. How do you account for its diminution?

Characterize the Sovereigns of the Houses of Tudor and Stuart, and show how the characters of any two of them influenced the state of the nation.

Describe the plots of the reign of James I.; state their origin and results.

Draw up a genealogical table of the Houses of Tudor and Stuart, stating the date of the accession of each sovereign.

STUART PERIOD—CHARLES I.

Give a brief account of the disputes between Charles I. and his first three Parliaments.

What were the grounds upon which the House of Commons placed itself in opposition to the Crown in the commencement of the reign of Charles I.?

Give a history of the disputes respecting "tonnage and poundage" and "ship money" in the reign of Charles I.

In whose reign was John Hampden brought to trial? Under what circumstances, on what charge, and with what immediate result? Where and how did he die?

What is the Writ of Habeas Corpus, and when was it first made available?

Give an account of the first settlements in America by England.

Explain the importance attached to the attempt of Charles I. to seize the five members. What constitutional principle did it involve?

What means were used by the first two Sovereigns of the Stuart line to raise money without the consent of Parliament?

Sketch the career and character of Strafford.

Give some account of the trial of Strafford. Under what circumstances and on what charge was he attainted?

What is the difference between proceeding by Act of Attainder or by Articles of Impeachment?

What great constitutional questions were brought under discussion in the reign of Charles I.?

State the particular circumstances attending the introduction of the Petition of Rights, and its main provisions.

Give an account of the political trials in England in the reign of Charles I.

Give an account of the jurisdiction of the Star Chamber.

What circumstances led to the overthrow of the monarchy under Charles I., and its subsequent restoration?

What were the measures of Charles I. which were most offensive to the Commons?

Point out the principal phases of the struggle between Charles I. and the Parliament, both before and after the commencement of the civil war.

Give some account of the religious parties engaged in the troubles of Charles I.

What part did the Scots take in the great rebellion?

How did any English Sovereign abuse the dispensing power or the concession of monopolies?

What were the courts of Star Chamber and High Commission? When and why were they abolished? How far were they in accordance with the English Constitution at the time when they existed? Give some remarkable instances of the exercise of their power.

Narrate the circumstances which led to the Self-denying Ordinance in the time of the civil war, and trace the effects produced by it.

Give an account of the circumstances which induced the Long Parliament to demand from Charles I. the command of the army.

Name the most distinguished men who lived in the time of Charles I., and write a brief life of any two of them.

Describe the circumstances and results of the chief battles between Charles I. and the Parliamentary forces.

Write a brief sketch of the latter part of the life of Charles I.

What constitutional questions were raised and settled in the reign of Charles I.?

STUART PERIOD—COMMONWEALTH.

What civil wars have there been in England? Give the dates, the occasions, and the results of them.

What form of Government was established upon the execution of Charles I.?

Relate briefly the changes that took place in the form of Government from the execution of Charles I. to the restoration of Charles II.

What was the Instrument of Government, and how did it operate?

How was the executive administered upon the establishment of the Commonwealth? What were the functions of the Council of State?

What was the general character of the Commonwealth Government?

What became of the Peers after the abolition of the Upper House?

What were the characteristics of the Independents, the Anglicans, and the Presbyterians respectively?

What part did Milton take in the political controversies of his time, and to what office was he appointed under the Commonwealth?

Give some account of the Levellers, and their influence in the army.

What alteration was attempted in the judicial administration?

Detail the proceedings in Ireland till Cromwell left the command of the army to Ireton.

Give the dates and the results of the battles of Naseby and Dunbar.

What were the circumstances connected with the battle of Dunbar?

Give the date and a short account of the battle of Worcester.

Explain the commercial policy of the Commonwealth.

What circumstances led to the first Dutch war, and how did it terminate?

What were the Navigation Laws, when were they first enacted, and how long did they continue in force?

Give proofs of the power of England, and of its importance in the eyes of Europe during the Commonwealth.

Explain the effects of the foreign successes on the Home Government.

What extension was made to the Statute of Treasons?

Enumerate the principal measures of the Long Parliament in the order of their enactment.

Give some account of the causes of the increased expenditure, and of the sources of revenue, under the Commonwealth.

What new taxes were then introduced, and what effect had they on the fiscal system of England?

Describe Cromwell's successive attempts to establish a settled form of Government, and account for his failures.

What are some of the reasons that should induce us to judge leniently of the character of Cromwell?

Under what circumstances did Oliver Cromwell become Protector?

Give a brief history of the Protectorate.

Give particulars of the Rump and Barebones Parliaments, and explain why they were so called.

What was the Instrument of Government?

What attempt was made by Cromwell to reform the representative system, and how do you account for its failure?

At what period, and under what circumstances, did the incorporation of Scotland and Ireland with England take place?

Explain the character of Cromwell's foreign policy.

What position did England assume with regard to the other Protestant States of Europe during the Protectorate?

Give some account of Cromwell's Parliaments, and the causes of his disagreement with them.

What attempt was made by Cromwell to govern without a Parliament?

What part did Milton, Algernon Sidney, and Locke take respectively in the political controversies of their time?

Give some account of the causes and conduct of the second and third Dutch wars.

When, and under what circumstances, did the English navy first acquire the supremacy of the seas?

What was the cause of the war with Spain, and what important colony was then acquired?

What was the "Humble Petition and Advice?" Sketch the arguments that may have influenced the decision of the Protector in regard to it.

Explain the reasons which induced Cromwell to decline the proffered title of King.

What attempt was made by Cromwell to restore the ancient form of Government by two Houses?

Explain the failure of the attempt to create a new House of Peers.

What were the causes which forced Cromwell to dissolve his last Parliament?

At what time, and under what circumstances, was Dunkirk ceded to England?

Explain the causes of the coalition of the Royalist and Republican parties before the close of the Protectorate.

Give particulars of the sealed knot.

Give a brief sketch of Cromwell's life and character.

How was the Government administered after the death of Cromwell?

State the position of political parties at this period.

What course was taken by the army with regard to Richard Cromwell?

What were the immediate causes of his deposition?

What dangers threatened the nation upon the deposition of Richard Cromwell, and how were they avoided?

Relate the proceedings of Monk after the death of Oliver Cromwell.

What grounds have we for judging of his real principles?

Explain his conduct with regard to the Parliament and the City.

Account for the general desire for the restoration of Charles II.

What was the Declaration of Breda?

Relate the circumstances attendant on the restoration of Charles II.

What were the reasons which induced the leaders of the nation to make the Restoration unconditional?

STUART PERIOD—CHARLES II.

How was the restoration of Charles II. effected?

What was the religious state of England after the Restoration? Give instances to prove your assertion.

What effect had the possession of power on the religious sects who then predominated in England?

What attempt was made to remodel the Anglican Church, and on what basis? How did it acquire its former influence?

Give some account of the introduction of a standing army in England, and of the causes which led to it.

Explain the cause of the extreme jealousy with which a standing army has ever been regarded in England.

What were the chief enactments of the Convention Parliament of 1660?

How far was the Act of Indemnity carried out ?

What were the feudal rights which were finally abolished in the reign of Charles II., and on what conditions ?

What great alteration took place at this time in the fiscal system of England ?

On what occasion was the Excise imposed ?

What was the character of the Cavalier Parliament, and why was it so named ?

Give the leading enactments of the Corporation and Uniformity Acts.

What political trials took place at this time, and what was the conduct of the King in regard to them ?

Compare the trials of Strafford and Vane.

What extension was made to the Statute of Treasons at this period ?

Relate the fall of Clarendon, and sketch his character.

Account for the change in the disposition of Parliament, and explain the growing power of the House of Commons.

Give some account of the Cabal Ministry of Charles II.

How far was the Triennial Act repealed, and when ?

What were some of the measures of the Drunken Parliament, and why was it so called ?

What were Charles II.'s sentiments with regard to Parliaments ?

When, and under what circumstance, did the sale of Dunkirk take place ?

Give a brief account of the naval engagements between the English and Dutch in the reign of Charles II.

Give some particulars of the Plague and Fire of London.

What effect had they on the war with Holland ?

Give some account of the transactions between Charles II. and Louis XIV., and the treaties made between them.

What were the circumstances which led to the Triple Alliance ? What was the nature and effect of that alliance, and which were the three Powers who concurred in it ?

Give particulars of the Treaty of Dover, and mention the results that grew out of it.

What were the objects, first, of the public, and, secondly, of the private articles of the Treaty of Dover ?

How do you account for the escape of England at this period from absolute monarchy ?

What was the Declaration of Indulgence, and how did it operate ?

Give the chief enactments of the Test and Conventicle Acts.

What religious party distinguished itself for its patriotism in this emergency ?

Who were the Covenanters, Non-conformists, and Non-jurors of the seventeenth century ?

What attempt was made by Parliament to induce the King to change the succession, and why ?

Give some account of the Popish and Meal-tub Plots, and the conduct of the King and Ministers with regard to them.

On what occasion was the Papists' Disabling Bill passed, and what was its effect ?

Under what circumstances was Danby impeached by Parliament, and what restrictions were then imposed upon the prerogative of pardon ?

Distinguish between Procedure by Impeachment and Bill of Attainder.

What offer was made by Charles II. to effect a compromise with the country party, and to secure the interests of Protestantism ?

What were the objects of the Exclusion Bill, and how was it defeated ?

Mention the chief constitutional statutes passed in the reign of Charles II.

What is the date and what are the provisions of the Habeas Corpus Act?

Compare the Great Charter, Petition of Right, Habeas Corpus, and Bill of Rights, and show how they supplement each other.

Explain the origin and signification of the terms Whigs and Tories, as applied to the two great political parties in the State.

Give examples of the profligacy of politicians in the reign of Charles II., and account for the want of principle manifested by the great liberal statesmen.

Give an account of the Rye House Plot, with its date.

What distinguished persons suffered the penalty of high treason under Charles II.? Describe the character of two of them.

Account for the fall of the country party.

In what particulars did Ministerial responsibility differ in the seventeenth century from at present?

STUART PERIOD—JAMES II.

State briefly the chief facts connected with the rebellion of Monmouth, and the circumstances which attended its suppression.

Describe the proceedings of Judge Jeffreys.

The criminal trials of the times of Charles II. and James II. are among the most discreditable in English history. Name some of them.

By what methods did James II. attempt to subvert the Reformed religion in England?

What were the chief events and results of the trial of the seven bishops?

Give a clear account of the resistance opposed by the Established Church to James II.

What is meant by the Revolution of 1688? What were its immediate causes? In what manner and on what principle was it effected?

State the circumstances which led to the Revolution of 1688.

Give an exact account of the events which happened between the landing of the Prince of Orange at Torbay and his formal assumption of the Crown.

Point out, and account for, the peculiar character of the English revolution as compared with the Continental revolutions in modern times.

Sum up briefly the constitutional principles that were practically established by the Revolution of 1688.

WILLIAM III.

Write a short history of William III.

Give the dates and describe the battles of the Boyne and Steinkirk.

Relate the circumstances attendant upon William III.'s campaign in Ireland.

Give an account of the circumstances connected with the "Massacre of Glencoe." To what extent can blame be imputed to William in that affair?

What were the leading provisions of the Toleration Act, and by what subsequent measures were the same principles extended in operation?

State what you know of the characters and careers of Danby, Sunderland, and Halifax.

What were the causes and results of the war with France?

In what reign was the naval supremacy of England finally established?

Give some account of the foreign policy of William III.

Give an estimate of William III.'s character and its influence on English history.

Describe the origin of the National Debt, and the establishment of the Bank of England.

Give the more important provisions of the Act of Settlement.

What constitutional questions were raised and settled in the reign of William III.?

ANNE.

State the more important provisions of the Scotch Union Act.

Under what circumstances, and with what results, was the union of the crowns of England and Scotland effected?

Give some account of the battles of Blenheim, Ramillies, Oudenarde, and Malplaquet.

Who were the leading Whig politicians in the reign of Anne?

Write biographical sketches of St. John, Viscount Bolingbroke, and of Harley, Earl of Oxford.

What was the cause, and what the effect, of the prosecution of Dr. Sacheverell in 1710?

In what circumstances did the war of the Spanish succession originate? What were its causes and results? Who were its leaders, and how did it terminate?

Sketch the campaigns of the Duke of Marlborough. What was the object of the war against Louis XIV.?

Give a brief account of the public life of the first Duke of Marlborough.

What were the leading principles of the Whigs and the Tories respectively in the reigns of William III. and Anne?

When was the Property Qualification Act passed, and what were its objects?

What dangers threatened the Protestant succession at the end of Anne's reign?

Our Government is said to be a "system of checks." Explain and illustrate this statement.

The reign of the Stuarts has been called "the age of good laws, but of bad administration." Mention the good laws which we owe wholly, or in part, to their reign, and illustrate the second part of this statement.

Mention as many facts as you can to illustrate "the condition of the people" in the days of the Tudors and Stuarts.

What eras in our history are most remarkable for the progress of agriculture and commerce?

Describe briefly in what ways taxes for the support of Government have been raised in England at different times.

Sketch the constitutional progress of England during the reigns of William III. and Anne.

HANOVERIAN PERIOD.

Give a short account of the insurrection of 1715.

Trace the descent of the reigning Sovereign from George I.

Name the Sovereigns who reigned in England in the eighteenth

century, giving the dates of their accession, and their relationship to each other.

What are the peculiar privileges of the House of Commons?

What great changes were made by the Reform Bills of 1832 and 1867 respectively?

Are the laws of England and Scotland in all respects identical? If not mention points in which they differ.

What important constitutional questions were raised (1) by the illness of George III.; (2) by the protracted trial of Warren Hastings?

Trace the growth of the principle of the responsibility of Ministers.

How was the contest between the civil and ecclesiastical jurisdiction which began in the reign of Henry II. terminated in that of Victoria?

Mention the date and the circumstances of the acquisition of our principal colonies.

What Englishmen were illustrious in the eighteenth century as historians, statesmen, or warriors? Sketch the lives of any two of them.

What statutes have limited ecclesiastical power in England?

Name the principal statutes by which the royal prerogative has been limited or defined, and give the substance of the Acts you refer to.

When did the Peerage become personal instead of territorial?

What constitutional struggles are connected with the following terms—The “Constitutions of Clarendon,” “Benevolences,” “Habeas Corpus,” and “Immunity of Juries?”

Distinguish between the executive, legislative, and judicial powers in State, and mention the persons in whom these powers are vested by the British Constitution. Name also any remarkable occasions on which the constitutional limits to any one of their functions have been overstepped.

State precisely what are the functions of the House of Lords.

Give some account of the progress of commerce in the seventeenth century.

What periods of our history are specially remarkable for the introduction and improvement of manufactures?

To what period may the commencement of our colonial empire be attributed?

Compare the Reform Acts of 1832 and 1868.

Relate the circumstances attending the disestablishment of the Irish Church.

What was meant by the Permissive Bill, and why was it so called?

When and why was the Peace Preservation Act passed?

What effect had the Franco-German war on the commerce of England?

What constitutional interest is attaching to the marriage of the Princess Louise with the Marquis of Lorne?

What is meant by abolition of purchase in the army, and how was it effected?

THE END.

CHAPTER I. THE DISCOVERY OF AMERICA.
 The first discovery of America was made by Christopher Columbus in 1492. He was an Italian explorer who sailed for Spain. He discovered the New World on October 12, 1492. He named the islands he discovered "San Salvador." He was the first European to reach the Americas. He was followed by other explorers, such as Vasco Nunez de Balboa, who discovered the Pacific Ocean in 1499, and Hernan Cortes, who discovered the Gulf of Mexico in 1519. The discovery of America led to the colonization of the continent by European powers. The first European colony in America was established by the Spanish in 1493. The first English colony was established in 1607. The first French colony was established in 1608. The first Dutch colony was established in 1614. The first Swedish colony was established in 1639. The first German colony was established in 1683. The first American colonies were established by the British in 1733. The first American nation was established in 1776. The first American president was George Washington. The first American war was the Revolutionary War. The first American constitution was adopted in 1787. The first American census was taken in 1790. The first American railroad was built in 1825. The first American telegraph was built in 1844. The first American newspaper was published in 1689. The first American book was published in 1609. The first American ship was built in 1609. The first American house was built in 1609. The first American school was founded in 1636. The first American church was founded in 1606. The first American city was founded in 1602. The first American state was founded in 1602. The first American nation was founded in 1776. The first American president was George Washington. The first American war was the Revolutionary War. The first American constitution was adopted in 1787. The first American census was taken in 1790. The first American railroad was built in 1825. The first American telegraph was built in 1844. The first American newspaper was published in 1689. The first American book was published in 1609. The first American ship was built in 1609. The first American house was built in 1609. The first American school was founded in 1636. The first American church was founded in 1606. The first American city was founded in 1602. The first American state was founded in 1602. The first American nation was founded in 1776.

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